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ABSTRACT

Intended for young debators, this booklet lists the main events of a debate contest for Japanese college students. The booklet contains transcripts and articles from the debate in which the proposition that the Japanese government should significantly strengthen its policies to protect the Japanese people from foreign nations was debated. The first part of the booklet contains a model debate presenting the affirmative and negative views of the government's role in protecting its people through such means as alien registration legislation and photographing foreign visitors instead of fingerprinting them. The second part contains the final match of the contest in which the affirmative and negative speeches are concerned with protecting Japanese people from foreign epidemic diseases as spread by imported blood components. The third part contains articles relevant to the debate topic, including material on technical plan attacks, disadvantages, and judging philosophies. (EL)

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'84 T.I.D.L.

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T.I.D.L. REPORT

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TOKYO INTERCOLLEGIATE DEBATE LEAGUE

CS505037

Editor's Foreword

Excuse me! Here at last, we are able to present to you this tantalizing booklet, called "T.I.D.L. Report '84". (though it is issued in 1985)

We published this booklet for "Tomorrow's Improving Debaters' Learning". We believe you, young debaters, can learn much from this booklet. Transcript of the "Model" and "Final" by excellent debaters will help you to develop your argument skills. (If possible, try to recite your favorite speeches by listening to the cassette tapes recorded by T.I.D.L.) Theory articles are also useful. Dr. Becker effectively illustrates plan side attacks with understandable examples. And Mr. Matsumoto again explains well judging philosophies with recent data.

In your long-term preparation, sometimes you Talk Idly at Diet Library (or somewhere else). But, as long as you show your Terrible, Incredible, Dangerous, but Lovely (?) passion toward debate, and get much from this booklet, someday you can be heroes or heroines of "Today's Intelligent Debaters' Legend". Yes, T.I.D.L. Report is a booklet that encourages you to realize the "T.I.D.L. Dream"!

Lastly, I'd like to give my hearty Thanks to the Influential Debate Leaders, Dr. Becker, Mr. Matsumoto, Mrs. Hogue, and our great advisor, Mr. Holeman. Without them, the quality of this booklet could not have attained to this level, or this report might have remained just a T.I.D.L. *Committee's* dream.

SHUN-ICHI SOHMA
Public Relations, T.I.D.L. '84

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Editorial Office: C/O Shun-ichi Sohma
2-29-3 Naka-cho
Musashino City
Tokyo 180
Phone: 0422-55-6435
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THE MAIN EVENTS OF T.I.D.L. '84

Proposition: Resolved; that the National Government should significantly strengthen its policies to protect the Japanese people from foreign nations.

Lecture & Model Debate
(on May 3, at Univ. of Tokyo, Komaba Campus)

Lecturers:	Mr. Nobumasa Ohta	Defense Bureau, Defense Agency
	Mr. Shigeru Matsumoto	Assistant Prof. of Speech Communication, The International Budo Univ.
Commentators:	Mr. C. A. Holeman	Advisor to T.I.D.L.
	Fr. Scott Howell	
	Mr. Sam Wida	
Model Debaters:	Affirmative	
	Mr. Fumihiro Joh-yu	Waseda Univ. E.S.A.
	Mr. Jun Ishii	Aoyama Gakuin Univ. E.S.S.
	Negative	
	Mr. Kazuhiro Yamada	Sophia Univ. E.S.S.
	Mr. Seiichi Tanaka	Waseda Univ. E.S.S.

The 22nd Championship Debate Contest
(on June 9, at International Christian Univ., on June 10, at Yokohama City Univ.)

1st Prize:	Waseda Univ. E.S.A.
	(Takenori Itoh, Ichiroh Shirasu)
2nd Prize:	St. Paul's Univ. E.S.S.
	(Yoshimi Hamada, Akihiro Kinura)
3rd Prize:	Meiji Gakuin Univ. E.S.A.
	(Rieko Fujita, Nobue Suzuki)
	Tokyo Women's Christian Univ. Q.G.S.
	(Naoko Hirose, Ritsu Itoh)

The top 8 teams, representing 47 circles of T.I.D.L., perticipated in the 10th East-West Intercollegiate Debate Contest.

(In addition to the top 4, Tsuda College E.S.S., Hitotsubashi Univ. I.S., Meiji Gakuin Univ. E.S.S., and Sophia Univ. E.S.S.)

The 10th East-West Intercollegiate Debate Contest
(on June 16, 17, at Ritsumeikan Univ.)

1st Prize:	Kitakyushu Univ.
2nd Prize:	Doshisha Univ.
3rd Prize:	Meiji Gakuin Univ. E.S.S. (Kazuhiro Fujishima, Jiroh Kawamura)
	Hitotsubashi Univ. I.S. (Katsue Kiuchi, Yuko Matsumoto)

MODEL DEBATE

THE FIRST AFFIRMATIVE CONSTRUCTIVE SPEECH

Fumihiro Joh-yu, Waseda Univ. E.S.A.

Jun and I are very pleased to stand by the significant resolution before such distinguished commentators, guests and enthusiastic young debaters in TIDL. And now, our nation is often criticized as a culturally less developing nation in spite of her great economic power. Particularly, discrimination against powerless people from foreign nations still remain in our national policies. Being convinced that equal human right is the most basic duty of the National Government to guarantee, we would like to give you the following example of the resolution to be adopted immediately through normal judicial procedures.

Plank 1: Legislation

sub point a) Alien Registration Act article 14 will be abolished.

sub point b) People from foreign nations will be obligated to give a photograph instead of fingerprints.

Plank 2: Enforcement. Judicial review will be provided. Judicial finding violation will result in fine, imprisonment and removal from office. Violation will be defined as any action which is against plan mandates and its legislative intent.

Plank 3: Affirmative speeches will provide legislative intent for plan clarification and enforcement.

Now the following initial observation will clarify our interpretation of the topic.

Observation: Affirmative plan strengthens the national policy to protect Japanese from foreign nations.

First we define Japanese from foreign nations as inhabitants in Japan whose origins are in foreign nations. Longman dictionary 1981 defines "Japanese" as natives or inhabitants of Japan. And Oxford dictionary states that "from" means "originating in". Thus Affirmative plan which would protect inhabitants in Japan who're originally from foreign nations will reasonably implement resolution. Now justification for this example of the resolution will be found in the following 3 contentions.

Contention 1 Equal rights should be guaranteed.

Now, it's been so long since equal rights were considered to be invaluable and indispensable in every human society. And looking back on the world history, a countless number of our ancestors struggled to win equal rights. And finally after the long struggle, in 1979 almost all nations agreed to its importance and made the International Regulation of Human Rights in the General Assembly in the United Nations. Now let me quote the first article. (Quote) "All men are created equal and free by nature. And they're equal in terms of rights and dignity." Unquote Of course, the Japanese Government ratified this regulation. And so it has the duty to realize equal rights through its national laws. Universal Declaration of Human Rights concurs, "All men are equal underlaw and have rights to get equal protection of law without any discrimination" off quo-

tation. Unfortunately however, we have to find out . . .

Contention 2 Status quo denies equal rights to people from foreign nations.
Now 4 sub points, here.

sub point a) The fingerprinting registration system.
Let me explain this system.

Alien Registration Act obligates Japanese people from foreign nations to have their fingerprints taken. Article 14 I quote "People from foreign nations age 16 and over must put their fingerprints in case of rigistration exchange delivery, redelivery and conformatory application. "And violators of this regulation are severly penalized by article 18, I quote, "Violators of article 14 shall be fined 200,000 yen or imprisoned for a year." Unquote. Now I would forther arque . . .

sub point b) The fingerprint system is discriminatory.

Firstly, we have to notice that people with Japanese nationality do not have to put their fingerprints in any case. Mr. *Ohnuma* prof. at Tokyo Univ. 1983 Quote "People with Japanese nationality don't have to put their fingerprints in any case. Even important papers such as drivers license and seal registration don't require it." Unquote. That means only people from foreign nations must have their fingerprints taken. Now the problem is that even if you're born here, brought up here and paying same tax, if only your nationality is not Japanese, you have to forced to be fingerprinted. Typical example is six hundred and 70 thousand Koreans in Japan who account for 80% of the people from foreign nations in Japan. Mr. Chun wah, representative of the National Association for Human Rights in 1984. Quote "Although we Koreans were born here brought up here and paying the same tax we're not guaranteed equal rights, simply because our nationality is different. I can't understand why Koreans must have their fingerprints taken just like criminals. Now we feel the Government is not treating us as ordinary citizens." Unquote. Now I would further argue. . . .

sub point c) Discrimination by fingerprints is significant.

Now any sort of discrimination is, of course, significant and bad. But when it comes to forceful fingerprints, it's one of the worst cases. Public offcials at the fingerprinting section at the Nishinomiya City in July 1982 explain this point. Quote "In Japan, only criminals are forced to have their fingerprints taken. Thus compulsory fingerprinting system is a symbol or criminals, so the present system which forces innocent Koreans to that disgraceful act, seriously hurts their dignity and ignores human rights." Unquote. And furthermore, this inhumane policy creates great resentment among the people from foreign nations. As the result, despite severe penalty, I mentioned, namely, fine and a year-long imprisonment, some of them violate this regulation bravely. Mr. *Ohnuma* a prof. at Tokyo Univ. in 1983. Quote "26 persons including 23 Koreans, refused fingerprinting so far. They insist that the compulsory fingerprinting is nearly repression of human rights and clearly indicates the prejudice Japanese Government has against the 670,000 Koreans in Japan." Unquote.

Likewise, the fingerprinting system is a terrible discrimination. However, finally we have to note . . .

sub point d) Fingerprinting system contradicts the principle of equal rights.

Mr. Chun wah again, Quote "The enforcement of fingerprinting is obviously contradictory to the International Regulation of Human Rights which was ratified by the Japanese Government. The content of it is that equality under law should be guaranteed regardless of the nationality." Unquote. Likewise, although the National Government ratifies the universal regulation, it does not carry it out. This fact degrades the national dignity of Japan. Mr. Buchen a president of the Korean Problem Research Institute stress this point in 1984, Quote "The fingerprinting system is also hurting the dignity of Japan as a civilized nation. Because the international societies are pursuing respect of human rights, the system is just shameful for Japanese themselves." Unquote.

In view of these significant problem, I'll give you

Contention 3 Affirmative guarantees equal rights.

Now Affirmative will abolish Article 14 in Alien Registration Act. So no one will have to have their fingerprints taken any longer. And instead of fingerprints just photographs will be required in any case. Solvency of this plan is confirmed by Mr. *Takeuchi* a former advisor to the Ministry of Justice in 1984. Quote "As the perfect alternative fingerprinting it is desirable to use stencil pictures, which can not be easily changed. This is already used for drivers license in Japan." Unquote. Likewise after adoption of our plan, they will have to do just the same as other Japanese in student cards or driver's license.

Therefore equal rights will be strongly guaranteed. Mr. *Takeuchi* best summarizes the Affirmative position in 1984. Quote "All in all, the fingerprinting system had better be abolished as soon as possible. The abolition will contribute to peaceful coexistence in Japan and enhance human rights here." Unquote. Thank you!

CROSS-EXAMINATION
Questioner: Seiichi Tanaka, Negative.
Answerer: Fumihiro Joh-yu, Affirmative.

N: Thank you Mr. Chairman. Now, let's talk about your plan and plan observation. Your plan abolishes Article 14, correct?
A: Correct.
N: Your plan abolishes the policy, right?
A: Yeah, correct.
N: By the way, how do you define the word "strengthen"?
A: We define by "strengthen" to make our national policy more effective to protect Japanese from foreign nations.
N: To make our national policy more effective.
A: Correct.
N: Good. Let me talk about the definition of Japanese people, because it sound strange to me. How do you define the Japanese people, in this resolution?
A: Inhabitants in Japan.
N: Inhabitants in Japan?
A: Right.
N: Now, how long does one have to live in to be Japanese? 5 years, 3 days, hundred years? How long does one have to live in Japan to be a Japanese?
A: Probably, 5 years is enough.
N: Probably, 5 years is enough?
A: But 3 days is not enough, from our common sense.
N: 3 days is not enough? Why can you say 3 days is not enough and 5 days is good?
A: From our common sense.
N: From your common sense. Okay, and from your common sense, it is reasonable to assume that Mr. Holeman, Fr. Howell, they are all Japanese.
A: They are all Japanese from foreign nations.
N: Can I confirm strongly once again? By your reasonable definition from common sense, you are going to define Mr. Holeman, Fr. Howell, Mr. Sam Wida as Japanese. . . . .
A: From foreign nations. (laughter)
N: Good, Fine, Now, Okay, you really believe so?
A: Yes, I do.
N: Okay, now, in plank 2, enforcement is through normal judicial procedure?

A: Yes, through normal judicial procedures.
N: That means enforcement is carried out by prosecutors?
A: And courts. Yes.
N: Okay, good. Let's talk about your case. Now, can I ask an obvious question. What's your advantage?
A: To remove discrimination or toachieve equal right and human right in Japan.
N: To achieve equal right or remove discrimination?
A: Yes.
N: Why so wrong with discrimination?
A: I think that is already proven by history, and many people dislike it and all the nations agree to its improtance.
N: You talk about history of mankind.
A: Right.
N: Which specific historical event proves that discrimination is bad?
A: There are many examples, for example, slavery in U.S. is one of the terrible discriminations.
N: Slavery in U.S.? Slavery might be bad, but that's not what we're talking about.
A: Yes.
N: You are talking about something smaller right? Fingerprinting.
A: I don't think so. Because fingerprinting system is essentially treating people from foreign nations, just like criminals.
N: So you believe fingerprinting is as bad as slavery.
A: We can't compare these two things, but we contend fingerprinting system is discriminatory and is significantly enough to abolish.
N: Okay, you believe that it's human right to be free from fingerprinting?
A: Yes.
N: Who says that?
A: Who says that? Many persons say so.
N: Let's get into your cards, specifically, cards in Subpoint D. Who is this man chang wa?
A: He is a representative of some council for human rights.
N: Is he a expert in the field, I mean, of human rights?
A: Expert? It depends on the definition of expert, but he has certainly, had much experience of human right.
N: Okay, how many people demand the removal of fingerprinting?
A: Among people from foreign nations in Japan?
N: Yeah.
A: 33% declare that they don't like it.
N: 33%, in other words, 67% are satisfied?
A: I don't know if they are really satisfied.
N: Okay, If this human right is really a human right by objective standard, why don't 100% of all foreigners here in Japan, think this is a human rights infringement?
A: Because, discrimination depends on the emotion of the people.
N: Emotion.
A: If you are a slave, if you don't like it there's no problem.
N: Good, emotion.
A: That depends on emotion.
N: Okay. Emotion. Fine.

THE FIRST NEGATIVE CONSTRUCTIVE SPEECH

Kazuhiro *Ippaku* Yamada, Sophia Univ. E.S.S.

Well, that wasn't very interesting, was it? And I'm afraid we are wondering if we can adequately refute this case. First of all, the problem is. . . Look at the proposition here. It says, "significantly strengthen its policies to protect the Japanese people from foreign nations". The point is that the connection between the affirmative plan and this topic. And we can't believe that this topic is topical. We go to Topicality Observations.

Subpoint (A) Affirmative must meet the requirements of the resolution. Specifically, the affirmative must interpret the resolution reasonably and carry it out. We'll argue . . .

Subpoint (B) Affirmative simply does not do so. I have two arguments here. My first argument is concerning the word 'strengthen'. First, examine their plan. Their plan says they're going to abolish Article 14 of Alien Registration Act. They are not going to strengthen anything, but abolish this. And please remember 'strengthen' and 'abolish' are two different things. They will not implement the resolution at this level. Now, on this point, remeber Cross-Examination.

My Johyu answered that 'strengthen' means 'make effective'. The problem is this definition is not very good. Now, how do you determine whether something is effective or not? Now, an action is considered to be effective when the action produces some kind of effects. And this effect of the action, namely the advantage of the affirmative plan determines Topicality, it follows. In other words, it means that the affirmative argues their case is topical jutt because they can get some kind of advantage. And this is what we call Effect Topicality. However, we argue that this kind of practice, namely Effect Topicality is not good in debate. It's bad in debate. I have two reasons to reject this Effect Topicality.

My first reason is that Effect Topicality unfairly limits the negative ground. Unfairly limits negative ground. Now, since Counterplans and Minor Repairs are designed to get affirmative advantage, they'll be topical. Because, remember, affirmative argues that they can get advantage, they are topical. Then, any Counterplan, any Minor Repair, that are designed to get affirmative advantage is topical. That means the negative can't present any Counterplans, any Minor Repairs. That means, to that extent, negative ground is unfairly limited. It is very unfair to the negative.

My next reason is that the effect Topicality will destroy academic debate or have the chance of destroying academic debate. Now, what is the purpose of debate? We have to think about the purpose of debate. That is to exchange and clash arguments. Exchange and clash arguments. And for that purpose we have this proposition. The proposition specifies some kind of problem area to talk about. And since we have the proposition, we can kind of prepare beforehand, we have clash of arguments. However, if we allow Effect Topicality, affirmative can argue any kind of policy, because some kind of policy, any kind of policy, have some kind of effect on the problem area. Then, the affirmative can argue any kind of policy. Then, what is the purpose of proposition? The purpose of proposition is totally gone and many kinds of cases will appear, lessen the quality of arguments and that'll reduce clash and destroy the purpose of academic debate.

Now, my next argument on (B) subpoint is 'Japanese people'. We have objections here. First, the affirmative defines 'Japanese people' as inhabitants and this is not right, because 'Japanese' itself is no criteria. Remember my partner's Cross-Examination. How long do you have to live in Japan to be a 'Japanese'? Ten days? 15 days? A month? Two months? Two years? This point is not very clear. A very very vague definition. This can't be the reason to say they're Japanese'. And next of all, we argue ordinary definition rejects this standard. Now, remember Cross-Examination once again. Are Mr. Wida, Mr. Holeman, Fr. Howell, Mrs. Hogue Japanese? According to the affirmative, they are Japanese because they are living in Japan. But do you agree with us? Do you agree with the affirmative? No! Absolutely not! By all means, this definition is rejected by the ordinary meaning standard. My next argument is, we'd like to present a counter-standard of Japanese. That is nationality. Nationality's the standard of Japanese. I go to Isao Sato, Prof. of law at Sophia Univ. 1980, "In the constitution, laws, and regulations, the word 'Japanese

citizens' or 'Japanese' refers to those with Japanese nationality. The word 'alien' refers to those who do not have nationality of Japan" Unquote. Likewise, 'Aliens' are those who don't have Japanese nationality. And on this point, the people the affirmative picked up today are aliens. That is the reason they have to have their fingerprints taken by the Alien Registration Act. If they are Japanese, they have no need to have their fingerprints taken. In any sense, they are not Japanese.

Subpoint (C) Clarifies the impact of the Topicality argument. Topicality's absolute voting issue. If the affirmative is not topical, then the affirmative is going to support something which is different from the resolution. Remember the obligation of the affirmative in debate. They have to support the resolution per se. And for the resolution per se, no reason whatsoever is given to adopt the resolution. Don't vote for the affirmative.

Now, specifically case side. Let's go to Contention I. I have two things to say. First, please group the two cards together. These two cards say equality is very important. But the point is, why is equality important? Unless they prove this, these cards are in vain. And this is the fundamental burden of the affirmative in significance. My next argument is, if there is justifiable reason, some kind of different treatment is OK. Now, think about it. In the real world, everybody is different. For example, some people are tall, some people are short, and some people can speak good English, some people's English is terrible, and some people are very intellignet.

In the real world, people are differnt, so there should be some kind of different treatment. And indeed, that's the way we should go. Mr. Hiroyuki Hara, Prof. of Law at Hiroshima Univ. 1980 "Article 14 of the Constitution guarantees 'equality'. This 'equality' allows the different legal treatment according to the person's age, personal quality and so on. The intent of the article 14 never denies reasonable distinction" Unquote. If it's reasonable, it should be OK. And I'll indicate that concerning aliens, it is OK. Yoshio Hagino, Prof. of Law at Nanzan Univ. 1982 "It is reasonable that aliens are subject to various restrictions that are not imposed on Japanese nationals. This is because the position of a Japanese national and that of an alien is fundamentally different" Now, so it should be OK.

To the third contention, let's attack Contention III first. Now the first card says photographs are OK. I have two arguments here. Number 1. They're not OK. Because, think about it, photographs can be illegally changed or can be distorted or can be forged. On the other hand, I'll agrue 2. Fingerprints are better because fingerprints never change all through your life and no one has the same fingerprint. And this information comes from World Encyclopedia published by Heibonsha 1981.

Now, let's go to the second Contention, Harm area. I'd like to attack the harm here. (A) Subpoint. Well, it's already beaten. Fingerprinting is justifiable. (B) Subpoint. The problem is the second card. The problem is the second card. I have three things to say. Number 1. We'll turnaround this card. In other words, this card supports our argument on topicality. Examine the card carefully. The card says, let's see – Quote. "although we Koreans are born in Japan –" So people themselves believe they are Koreans. In any sense they are not Japanese. My second argument is that they can become Japanese citizens. Remember *Johyu* says, "They pay the same tax, they have the same duty." Then they can become Japanese. They can acquire Japanese nationality, called naturalization. They can do it. Why don't they do it if the harm is so significant? My third response is that, again the card says, let's see – the end of card says "we feel that government is not treating us as ordinary citizens" Likewise, this card just explains the feeling of the Koreans. It is just a complaint. It could be the emotion of the Koreans. Why can this be the reason to change the national policy? This point must be clarified. Otherwise, significance is too weak. Now, (C) Subpoint. Please group the three cards together. I have four things to say. Number 1. These cards say humanities, these say dignity or the right is infringed. To want extent? They have to clarify. Now, number 2. We argue the number is small. Look at the second card, says, "26 people bravely opposed" Remember, at the end of the constructive speech, *Johyu* said 0.69 million residents in Japan are aliens. Right? Alien residents are 0.667 million. Out of this, only

26. Quantification is too small. This can't be the reason to claim adoption. Number 3. Simple question. How does fingerprinting alone infringe human right? They have to answer this point. What's wrong with this action? It never infringes any human right. On this point, Fr. Howell, an American residing in Japan '84 explains. (laughter) "From an American way of thinking, fingerprinting does not infringe any human right. In America, those who are engaged in governmental jobs get fingerprinted. Many private companies have fingerprints of their employees taken. Practically, almost all the Americans get their fingerprints taken." And he continues, "The only disadvantage of fingerprinting would be that it gets your fingers dirty for a short period of time." (laughter) This is the only harm. And, on this point, remember the source. All the harm comes from the Korean source. So, they are complaining. On this point, the burden of the affirmative is to show some kind of neutral source and some kind of authoritative source, for example, professors of law, and eatablish the harm. Otherwise, we argue no harm has been shown. Call for rejection. Thank you.

CROSS-EXAMINATION
Questioner: Fumihiro Joh-yu, Affirmative
Answerer: Kazuhiro Yamada, Negative

A: Mr. Speker, I'll start. OK, first you said to define strengthen as making something more effective is unreasonable.
N: Exactly. And I just indicated two reasons to say so.
A: OK. When you speak in English with foreign people, you use the meaning of to make something more effective, right?
N: Ah you mean, when I talk with people from foreign nation. . .
A: In your daily life.
N: Ah. . . I think I do.
A: OK, then, in the actual world, we may use making more effective as a means of strengthen, right?
N: Ah, in that sense, that's certainly correct. But we're debating, and please don't forget the fact, debate has its own purpose.
A: OK. Why are you going to separate debate from the actual world, as far as the meaning of strengthen is concerned?
N: Well, that's a good question. (laughter)
A: Fine.
N: And a point is. . .
A: The point is what?
N: The point is fairness. Like in debate, we are debatin on a specific problem area, and if we do that, it's kind of game.
A: OK OK.
N: And the Affirmative side and the Negative side have to have some kind of same fairness. However, if we introduce effect standards, the Negative has an unfair disadvantage.
A: OK, nice response. Now let me talk about the two reasons by which you say effect topicality is bad, right?
N: Aha.
A: First one is unfairly limiting the Negative ground because you can't argue counter plan or minor repair?
N: Exactly.
A: OK, are you going to argue or did you argue counter plan or minor repair in you constructive speech?
N: Ah, we have a very very good counter plan but we're afraid of your turnaround topicality

argument, so we didn't present it. (laughter)

A: Really?

N: Yes, we have a very very good courter plan, I can do it now, right now.

A: OK, yes. I see, I see.

N: Do you wanna hear?

A: OK OK, the second point is it destroys academic debate, because it will decrease the quality of debate, right?

N: First, it makes the proposition meaningless. And next of all, it decreases the clash, because so many cases will be run.

A: OK, then, in this model debate, there will be no clash and quality of model debate will be very very low, right? (laughter)

N: Well . . .

A: You can't argue any counter arguments, right?

N: Wait a minute. Ah. . .

A: Wait a minute?

N: I think you. . .

A: But you argued many good objections in the case side, right?

N: Ah. . . that's true, but ah. . . (laughter) I think you got me there.

A: OK. Now, let me talk about case side. You said against our Contentions.

N: Anyway, point is fairness.

A: OK, now, against our Contention, you said that, what's good about equality, right?

N: Yes, you have to explain that. All you cards indicate equality is important. But what is the specific reason?

A: OK, what is your personal view, is equality good or bad?

N: Ah. . . please clarify your question.

A: OK, I'll change my questions. OK, you said as far as discrimination is concerned with some discrimination, with some justification we can, we may discriminate against persons, right?

N: That's exactly true because people are different from each other, like some people are very clever and some people can't speak fast.

A: That means without any justification, we should not discriminate against any people?

N: That's exactly true, and that's our position in this debate. Exactly.

A: OK, now let me talk about your cards quoted in Contention 2 sub point c), that is Mr. Howell's card, Fr. Scott Howell. OK, why did you quote this card? Is he credible on this point? (laughter)

N: Yes, well, he is American residing in Japan. And since you quote Koreans residing in Japan, we thought an American residing in Japan is also qualified.

A: But there are many Americans in this debate, and in this audience, right?

N: Ah, that's true.

A: OK.

N: As long as you quote. . .

A: The reason you quoted this card is that he is your coach, right?

N: Not really true, it's. . . Remember you quoted Koreans resideing in Japan, then, it's only reasonable for us to quote another person who is living in Japan.

A: OK, thank you. Excuse me, turn back to Topicality, "Japanese".

N: Yes.

A: Now, the dictionary defines "Japanese" as "inhabitants in Japan". You didn't deny this fact, right?

N: Our argument here is that you show criteria. OK. And this definition is denied by the ordinary meaning or common sense. That's denial here.

A: OK, thank you. That's all of my questions.

THE SECOND AFFIRMATIVE CONSTRUCTIVE SPEECH

Jun Ishii, Aoyama Gakuin Univ. E.S.S.

Thank you, Mr. Chairman. I'd like to talk about Topicality first. Why can we separate, why do we have to separate debate from the real world? I don't find any simple reason for this. Now, *Ippaku* said our policy will abolish the law. But my partner said, "to strengthen" means to make something more effective. This is the ordinary meaning that we use in the real world. Now, look at this Proposition. If we define "to strengthen" as to make something more effective, we can interpret this Resolution as we should strengthen some of the national policies to make some of the policies more effective to protect the Japanese people from foreign nations. This is the ordinary definition of one of the reasonable ways that we can interpret this Resolution. But he said, "Since we cannot counterplan or minor-repair, cannot run any case, or cannot clash or the number of clashes will decrease, we cannot accept the ordinary meaning of the words." I don't see the reason why we have to give up using the ordinary meaning just because we are debating in the academic debate, just because they cannot present Cunterplan or limit the Resolution. Now, look at what they said. First, they said they can present Conterplan or Minor-Repair. Did they present any Counterplan or Minor-Repair? Or, did they show us the reason why we have to give up the debate just because they cannot present negative Counterplan and Minor-Repair? And they didn't show us why this is such an essential negative right. Okay, secondly they said, we will limit the Resolution because they cannot run any case. No. This is wrong. We can still set up the range where we should debate on the matter, how we strengthen the policy to protect the Japanese people from foreign nations. This Resolution still limits the place where we should debate. Actually, he presented Fr. Howell's evidence or things like that. I don't think that's generic evidence. He was preparing for this. So, we can still have the place that limits the arguments. And as for the definition of "Japanese". He said, "Since there's no criteria for the inhabitants of Japan. . ." Now, look at common sense. I don't think there is a oig difference among each person's common sense. I don't think people would call just one-day or two-day tourists inhabitants of Japan. There is some difference, but there is not a big difference among each person's point of view. Look at common sense. In that case, Fr. Howell, Mr. Holeman, and Mrs. Hogue are "Japanese". Even though they don't look like Japanese, they are "Japanese". And the dictionary says they are "Japanese from foreign nations". What's wrong with this? And, about the counter-definition from the Negative. They said, "Those who have Japanese nationality are "Japanese". Tnis might be true. But this is just one of the reasonable definitions. We showed you another reasonable definition. They never destroyed the reasonableness of our definition. Of course, the Affirmative don't have to show you the best and most reasonable definition possible. This is just a counter-definition. It doesn't destroy our Topicality.

Now, let's go down to the case side. First, *Ippaku* said, "Why is equality important? I think this is very ridiculous question to ask. Look what the Nazis did. Look what the American people did in the South. We all know these are terrible things for us to do. So, like we argue in "Contention 1", the whole world agrees that equal rights should be guaranteed. And he takes up this question now. But, look at history, look at the thinking in common sense. I think that helps to answer this question. This was already answered by history or by common sense. Now, I think next is one of the most important things in this debate. They argue, "If we have the justifiable reason, we can discriminate." Did they show us any justifiable reason? Now, he said, "We can discriminate against people only when we have a justifiable reason." And he said, "We need to take fingerprints from foreigners just because we want accurate identification. But the question is; Why only foreigners. . .? Don't we need accurate identification, too? I think we do, too. Their evidence say we can put restriction on foreigners. But their cards never say why we can take fingerprints from foreigners even if we make them feel bad. Now, there is some reason why the government doesn't take fingerprints from Japanese, I mean, people who have Japanese nationality. I quote from Yasuyuki Ohnuma, professor at University of Tokyo, '83. "The government tries

to keep a good balance between two important things. One is to seek for good accuracy for identification and the other is to protect human rights. The government doesn't force the Japanese to be fingerprinted but they just use a photograph instead, on driver's license and so forth, even though the accuracy decreases to some extent. Because there is another important value she has to respect. That is the right that people have, to reject putting their fingerprints against their will, making them feel like they are criminals. And this balance is very important." Unquote. Like this, the government tries to keep the balance between the good accuracy and human rights, those two things. But only on Japanese. Why not foreigners? There is no reason to discriminate against foreigners on this point. And even foreigners take putting fingerprints as the symbol of criminals, too. Here's a survey, conducted by Korean Christian Association, '81. "The question was that; What does putting fingerprints remind you of, at first? 50% of Japanese answered "Criminal or Police Investigation". And the same answer was given by 43% of the foreigners." Unquote. Now, although there isn't a big difference between the Japanese and the foreigners; What do you think about the fingerprint? , but there is a big difference in the way the government treats them. This is what we have been calling "discrimination". There's no reason, there's no justifiable reason why the government can take fingerprints only from the foreigners, making them feel like they are criminals. They said they have a justifiable reason. But they can't say because their nationality is different, they can treat them badly. They never proved this; Why is nationality the reason that they can take fingerprints only from the foreigners? This is not what they call "the justifiable reason to discriminate against foreigners"

Now, going down to "Contention 2". First, he turned-around the second card, saying that Korean themselves admit they are Koreans. I know Koreans think they are Koreans, there's nothing wrong with Koreans think they are Koreans. But the important thing is that we define those people as the inhabitants of Japan, I mean Japanese. They never, this turnaround never destroyed the reasonableness of this definition. This is the important thing. They never destroyed the topoticality on this point. And, secondly, they said they can naturalize. But we all know that it's very hard for foreigners to acquire Japanese nationality. Now, and "Subpoint C", they said evidences were all emotional evidences. But why emotion bad? I think human emotion is one of the most important factors to decide whether or not the right was infringed. Because everyone has different values. So we have to look at each person, and how they think about it. And, since the value differs one from another, when a reasonable number or a great number of people feel the same way, I think their emotion can be justified. Now, we talked about the number. Okay, let's talk about the number. They said this number was very small. But this is wrong. Remember 1AC, we have a 200,000 yen penalty on these people. There might be some other reason, but even if they don't actually refuse it, there's some reason like the fine or like that. Because not all people can afford to pay the fine, and actually, many people suffered from this discrimination. I quote from the survey by Korean Christian Association, '81 again. "33% of the foreigners ask for the abolition of the compulsory fingerprint system as it infringes their right." Unquote. Like this, I think 33% is quite a reasonable figure to make their emotion justifiable. Because this is not just an idea of one or two persons. There're many other people who feel the same way. So, emotion is not bad. Okay, as for Fr. Howell's evidence. Fr. Howell doesn't think this is the problem. Even if he doesn't care about it, there are some people who do care about it.

And, that's all I wanna say. I don't think there's a justifiable reason to put discrimination only on foreigners. Thank you.

CROSS-EXAMINATION
Questioner: Kazuhiro Yamada, Negative
Answerer: Jun Ishii, Affirmative

N: Now, I'd like to start. Let's see. The first thing. Mr. Ishii, it might be rather rude to ask you. . . How many cards did you read?
A: How many cards did I quote?
N: Uh-huh.
A: Does it bother you?
N: Very important.
A: I quoted three.
N: Three cards. . .
In eight minutes, only three. . . Meaning, most of your arguments are assertion, correct? (laughter) Isn't it right?
A: Listen. I quoted as many as THREE evidences.
N: Fine. . .
A: I quoted THREE! (laughter) That's enough for me.
N: That's all right. That's all right. Let's talk about Topicality. Let's confirm. 'Japanese people from foreign nations', what do you mean by this again?
A: Okay. The inhabitants of Japan who are from foreign nations.
N: Specifically, 'Japanese' means inhabitants, correct?
A: Right.
N: And 'from' means 'originating in', correct?
A: Correct.
N: And one more thing. You argue our topicality is reasonable but is not the best.
A: No, we are saying that just your counter-definition is one of the reasonable definition.
N: Anyway, your definition is reasonable?
A: Oh yeah. This is all right.
N: Thanks. Let's see. Next thing. Let's talk about your cards specifically. Now, the last card you quoted. What percent of the people are opposing? 43?
A: 33.
N: 33. Okay. Let's see. And the rest are not opposing?
A: Ah, no. You just can't say they do not oppose. You don't care about well. . .
N: Excuse me, in what way are they opposing?
N: Exactly.
A: Ah, this evidence says they ask for abolition as soon as possible.
N: Ah. . . It doesn't say as soon. . . Ah, your ball-point pen. . . (laughter) All right, all right. Let's see. The second evidence you quoted. Fingerprints remind you of criminals, correct?
A: Yes, right.
N: Does that mean, in your analysis, fingerprints have close connection with criminal investigation?
A: Yes. In mind, it has a close connection.
N: That means, police use fingerprints to detect criminals, correct?
A: Well, yes they do, but it doesn't necessarily mean. . .
N: The reason they use fingerprints is, fingerprints are very effective in detecting criminals, correct?
A: One of the effective ways to detect.
N: Uh-huh. Anyway, it is an effective way of detecting criminals.
A: Yes, one of the ways.
N: Then, right now, Koreans get fingerprinted, right?
A: Yes, yes.

N: Or aliens wherever. And they don't get fingerprinted after your adoption.
A: Right. They don't.
N: Right? Suppose they commit some crime and isn't it a big difficult for the police to catch them?
A: The same thing for the Japanese. As you know, Japanese don't get their fingerprints taken, but. . .
N: Ah, that's right. My point is that, isn't it difficult for the police to catch aliens commiting crimes?
A: Yeah, maybe compared with the status quo, but that we will do the same as the Japanese do.
N: Okay. That's easier. Thank you. . . Now, let's see. Then, once again, Topicality. Okay, you argue, within the resolution, there's some kind of range.
A: Yes.
N: What is the specific reason to say so?
A: Oh. While even if we define 'strengthen' as 'make something more effective', we can still, have to, argue.
Q: Wait a minute. Isn't it just your feeling, your emotion?
A: Actually, you have an evidence for this, right? You can just limit the resolution.
N: Wait a minute. That's only because it's the model debate, right? If this is the real tournament, the negative usually has no evidence, right?
A: Ah, well, that's their fault. . .
N: Their fault?
A: And even if they don't have evidence, they can debate, they can win. . .
N: Ah well, all right. . . (laughter) Let's see. Contention I. You argue the negative does not show why nationality's the reason to discriminate. Correct?
A: Right.
N: Let's see. Did you show why we have to treat aliens and Japanese in the same way? What is the reason to treat them equally?
A: Why not? Because we all have to treat all people equally. That is the principle of the government.
N: That's your argument, your assertion, right?
A: No, that's the principle of the government.
N: Principle of the government?
A: Right, beause the government ratified the Universal Declaration of Human Rights.
N: However, our card say, under the Constitution Art. 14, different treatment is okay.
A: If there is some justifiable reason, right.
Q: Uh-huh. And what is the reason that we should treat them equally, specifically.
A: As I have said, that's what people have struggled for, the equal right. That's important.
N: All right. Fine. Thank you. All the questions.
A: Thank you.

THE SECOND NEGATIVE CONSTRUCTIVE SPEECH

Seiichi Tanaka, Waseda Univ. E.S.S.

Since the affirmative case today is a kind of unexpected case. Unfortunately, negative has only two PMAs and one disad. Now, PMA 1, Circumvention, obviously. Sub point A, Affirmative abolishes fingerprinting. This is already clear. I will argue Sub point B, Motive, Bureacrats don't like it. Bureacrats wrote the plan, because they need fingerprinting. This is supported by *Bummei Satoh,* Journalist March, 1984, quote, "The National Government, esp. the Ministry of Justice, the Prosecutor's Office, is determined to block any attempt to abolish the registration of aliens' fingerprints. This is because they have a strong need for it to preserve law and order." unquote.

Now, we note Sub point C, Means, Bureacrats have a couple of means to circumvents the plan. First, we note Counteraction, Counteraction. They can take counteraction, specifically, they can require fingerprinting on other public documents, like tax returns visas, or driver's licenses, instead of the Alien Registration Cards. This is possible, because aliens are required to file these documents. From the Ministry of Justice, 1984, quote, "The aliens residing in Japan are legally required to file a variety of public documents. Apart from the Alien Registration Cards, they have the legal obligation to file visas, tax returns, and so on." unquote. Now, they can require fingerprinting on these cards, instead of the Alien Registration Cards, and this is possible. Next, we note anti-legislation. Of course, bureacrats have the power to enact legistlation, to put moratorium or create looeholes in the plan and they have the power to push this legislation through the Diet. From *Masaru Watanabe*, former Director of the Cabinet Research Office, 1980, quote, "Japan's bureacracy wields enormous in Japan. It is one of the major forces influencing legislation in the Diet. This is especially true with the Ministry of Justice. They have the power to enact legislation they like or need." unquote. Now, therefore, all this allow to argue Subpoint D, Impact, This is, of course, voting issue, because, even if the plan is adopted, foreigners or aliens will be required to put fingerprinting on some other cards as they are now and there will be no decrease, in the total amount of discrimination they face.

Now, I will argue PMA 2, This is trade off. I'll agrue Subpoint A, A affirmative abolishes fingerprinting. Subpoint B, however, this will reduce the credibility of the Alien Registration Cards. We all know fingerprints are very important in establishing the credibility of public documents, however, they are gonna remove those fingerprints from the Alien Registration Cards and as results the Alien Registration Cards will lose their credibility. From *Yasuyoshi Kamei*, Sep. 1983, quote," "Without fingerprinting, the Alien Registration Cards will be easily distorted fabricated, or falsified. Thus if fingerprinting is abolished, this will reduce the credibility of the Alien Registration Cards." unquote. Therefore, I will argue Subpoint C, Discrimination will trade off, Discrimination will trade off. Specifically, just because of the fact that the Aliens Registration Cards will lose their credibility, that will also reduce the credibility of the aliens holding the cards. Same source continue, quote, "If the Alien Registration Cards lose their credibility, that will reduce the credibility of aliens holding the cards. Japanese citizens will be more suspious, and therefore more discriminatory, towards aliens when they show their Alien Registration Cards with no fingerprints." unquote. The Ministry of Justice, specifically, tells us specifically, where aliens will face more discrimination. From the Ministry of Justice, 1983, quote, "Aliens are required to show their Alien Registration Cards when they apply for a job, when they go to banks to barrow money, when they apply for admission to highscholl and university, and when they go to real estate agents to buy or rent land or houses." unquote. This shows us that since whenever, aliens show their registration cards, their credibility is required. This means, they have to face more discrimination in other areas. Therefore, I'll agrue Subpoint D, This is, of course, a voting issue. Because, even if we abolish one form of discrimination in one area, aliens have to face a lot more discrimination in other areas. Therefore, this easily off-sets the advantage of the plan.

Now, onto Disadvantage. Crime and violence. The affirmative encourage crime and violence. I'll argue Subpoint A, Affirmative abolishes fingerprinting. This is already clear. I'll argue Subpoint B, Aliens have high crime rates. This might sound offensive to some of you, but unfortunately, like it or not, this is a fact and we have to face it. From the Police Agency, 1984, quote," Crime rates among aliens in Japan are high. The crime rates among aliens is 2.87% , while that among Japanese nationals is only 1.29%. In total they committed 21,506 crimes in 1980." unquote. This shows that unfortunately, aliens, they are trying to say, have high crime rates. Therefore, I'll argue Subpoint C, the plan will cripple law enforcement. Of course, this is obvious. Since *Jun* indicated and kindly admitted in the cross-exam, fingerprinting is very useful for crime investigation. And this is admitted. And the Police Agency confirms this in 1984, quote, "Fingerprinting is useful in criminal investigation. In fact, more than 25% of the crimes reported have been solved with fingerprinting." unquote. Therefore, the plan which abolishes fingerprinting will significantly cripple our law enforcement. *Yasuyoshi Kamei*, 1983, quote, "The finger-

printing of aliens is necessary for the presevation of law and order. Thus the abolition to the fingerprint registration will make our law enforcement less effective." unquote. Now, all this allows us to argue Subpoint D, In term of Impact, Impact is massive, because aliens will commit serious crimes if the plan is adopted. They can get away with all these serious crimes and all these crimes will increase in total number. From the Police Agency, 1984, quote, "The crimes commited by aliens in Japan are: Murderr and Robbery: 212. Assault and Battery: 1518. Extortion: 466. Theft: 4453. Drug trafficking: 771." unquote. Now, this shows aliens have a high tendency to commit these serious crimes. If the plan is adopted, then we will face a serious disadvantage. Now, of course, thus we see, we have two kind of aliens, on one hand, we have good aliens they made great contributions in Japan, especially, in the field of debate and forensics. But on the other hand, unfortunately, we have bad aliens they come to Japan only to commit crimes. Then we have to say that you have to look at the plan. Look at the plan. Those good aliens have nothing to gain from the plan, because what they talk about is not a human right. They talk about something else. It's a psuedo right created by two gentlemen only affirmative in this particular round. Therefore, we will say the only winner here in this round, or only winner of the game is those bad aliens. Those bad aliens, thanks to the plan, will be able to get away with crimes. Please don't for vote for affirmative, they just give the right to those bad aliens to Kill, to Rob, and to Rape.

CROSS-EXAMINATION
Questioner: Jun Ishii, Affirmative
Answerer: Seiichi Tanaka, Negative

A: Chairman. . . I didn't know that you're such a great entertainer. Okay, let me talk about Circumvention. First, the Ministry of Justice is opposed to the plan, right? They don't like . . .
N: Not only the Ministry of Justice but. . .
A: I mean, especially they don't like. They have strong motive. . .
N: Especially they don't like, and. . .
A: Okay, right. Is that right?
N: Right.
A: As for means, they will force foreigners to put their fingerprints on like tax returns or things like that. . .
N: Tax returns, driver's license, . . .
A: Like in case of tax returns, can the bureaucrats of the Ministry of Justice, can they make the people in the Ministry of Finance follow their order? Can they do it?
N: They can do it. Because the Ministry of Finance shares the same attitude against the plan.
A: But the Ministry of Justice has, especially has a strong motive, right? That case, did you prove that can they really. . .
N: The first card on Circumvention proves that. It says the National Government as a whole has a negative attitude toward the plan.
A: Okay, it doesn't matter. Now, let's talk about means. They like driver's license, when they put fingerprints on driver's license.
N: Driver's license. . .
A: Okay, where do they put?
N: . . . . .
A: I mean, can they put it on driver's license?
N: I think so.
A: Okay, I have my driver's license here. Look at my driver's license.
N: Okay.

A: Where do they put their fingerprints, like on my picture or on my address or something, which is. . . ? If you do it, you cannot see anything on this side!

N: . . . . .

A: Where do they put?

N: Look! We can TURNAROUND this card and put them on the back! (burst of laughter and applause) That's possible!

A: Well, that was a big turnaround.

N: Okay.

A: Now, let's talk about Disadvantage.

N: Okay.

A: I'm sorry. Before that, let's talk about the second PMA.

N: PMA 2?

A: Right. "Trade Off".

N: Okay.

A: How many Japanese will discriminate how many Koreans? Do you mean. . .?

N: Well, I just don't know the figures, but the card indicates generally they have to face discrimination in other areas.

A: Generally. So, you don't know specifically. So, we don't know whether your PMA 2 really will trade off our advantage or not.

N: Well, your Advantage cannot be talked about in terms of figures or numbers, so this PMA will do.

A: Okay. Okay. Now, DA 1. No. Disadvantage.

N: DA, the only DA.

A: Oh, the only DA. Okay, your card said. . . You're taking about crime rate, right? Of the foreigners.

N: Right.

A: On "B Subpoint", the evidence says the crime rate of the foreigners is 2.87%, right?

N: That's right.

N: And, what this ratio means is that among 100 foreigners, there're 2.87 criminals, right?

N: Right.

A: Okay. And as for Japanese, there are 1.29 criminals among 100, right?

N: Right.

A: So, the difference is about only 1 person, correct?

N: One per hundred.

A: Yeah, anyway 1 person, right? Among 100.

N: Right. One per hundred.

A: And. . .

N: But, if you take into consideration the population of Japan, the accumulates to something great. . .

A: Okay. Okay, let me talk. . . the population. Okay, let me ask one question. Foreigners share less than 1% of the total Japanese population, right?

N: Well, that's right.

A: Just about it. Okay. So, even if we adopt our plan and encourage crime, let me think of the total crime in Japan. Rate or the number increases just a little bit, right? 1 or 2 percent.

N: You're right. But we still have to face some risk of crime and violence.

A: "Some", right?

N: Right.

A: Okay. Now, this 1% difference is the reason or is what you call "the justifiable reason" to discriminate against the foreigners, right?

N: If you look at the Impact, on "D Subpoint", you see that makes a lot of difference.

A: Because there's 1% difference, right?
N: Well, in terms of figures, that's right. But if you look at the concrete impact. . .
A: Only 1% difference makes you justify, you can discriminate against foreigners.
N: We believe so.
A: Only one.
N: Because, even your Advantage has no impact at all. . .
A: Okay, thank you.

THE FIRST NEGATIVE REBUTIAL SPEECH

Kazuhiro Yamada, Sophia Univ. E.S.S.

Can I start? After the entertaining cross-examination, I'd like to deliver a very, very powerful speech to destroy the Topicality.

Topicality. Subpoint (A) Granted. Please remember reasonableness is very important. If affirmative definition is not reasonable, no ground for the affirmative to claim topicality.

(B) Subpoint. The first argument. 'Strengthen'. *Ishii's* response if fine. They can have. However, this is because the second point is very very important. The second point is 'Japanese'. First, please pull my turnaround on Contention II (C) Subpoint, the first card. Koreans themselves say they are the Koreans. And remember, in Japan, the affirmative are the only people who are saying they're Japanese. The government doesn't think so and Koreans themselves don't think so. This turnaround is very important. Second point. *Ishii* says, "We have to go by the dictionary definition." However, I'll argue, for this specific problem, affirmative dictionary definition is unreasonable. Now, the government treat the people the affirmative picked up as aliens because they have no Japanese nationality.

And this point is clear in my constructive speech. Please pull my card from Prof. Sato of Sophia Univ., saying "nationality's the standard", and remember aliens get their fingerprints taken because they're aliens. Now, what we have to do in the problem in debate is that, what should we do with aliens, and should we treat them with fingerprints or not? This is the central issue. In other words, this is the way we should look at the debate. What to do with aliens? They are not Japanese at all.

Now, on this point, I go to Basic Debate 1977 says, "The basic idea is that both teams are invited to a tournament to debate a common resolution for a change in national policy related to a certain general problem area." Likewise, in debate, we're supposed to talk about policy and right now, the national government believes this is alien and we have to change something, this is affirmative argument. Then, anyway, they're not talking about Japanese at all.

Now, my next response is very very interesting. The affirmative, even if they beat this argument, the affirmative use of the dictionary definition is unreasonable. First, please remember my Cross-Examination. I confirmed, "What do you mean by Japanese? " They said, "Japanese menas inhabitants." Now, what is the function of this word? It is a noun. But, however, look at the proposition here. Where? Here. It says, "Japanese people from foreign nations" In other words, "Japanese" is used as an adjective. Did you realize that? In other words, the affirmative intentionally distorts the resolution. The proposition says we have to define "Japanese" as an adjective. However, they use it as a noun. This is nothing but a distortion of the proposition. How can this be reasonable? Here we claim this dictionary defintion is unreasonable. Just remember Subpoint (C), Topicality's absolute voting issue. They have no ground whatsoever to their case is topical.

Now, one more point about case side. Let's go to second contention, Contention II. Mr. *Ishii* argues that emotion is very very important. However, we analyze that there're two kinds of emotion. The first kinds is that. . . this is a rational emotion. And the second kind being irrational emotion. Let me give you one example of irrational emotion. For example, if you're

debater, and you lose a match, and you get very mad. And after that, you hit the judge. Is this kind of emotion rational? No, it is totally irrational. We analyze, the affirmative side picked up this kind of irrational emotion. And why is this? Because remember Subpoint (C), I attacked, how fingerprinting itself, this action, infringes human rights. On this point, the affirmative gave no analysis. In what way does this infinge human rights? And we quoted a card from Fr. Howell saying it does not infringe human rights. On this point, no concrete answer came from the affirmative. Therefore, fingerprinting itself does not infringe any rights. So we argue no significance was shown. Thus, we argue, since Topicality is lost, significance is gone, no reason to adopt the resolution.

And one more point we'd like to emphasize is that the Contention I, they argue whether we should treat them differently. We argue different treatment is okay. As it happens to be here. Now, they are different. Aliens and Japanese are different. Yuichi Takano, former prof. of law at Tokyo Univ. 1981 "If this benefits or property are unfairly or unlawfully treated, a national can only receive administrative and judicial protection by his country. On the other hand, in addition to such protection by his resident country, an alien can receive protection by his own country." Unquote. Likewise, aliens can receive two kinds of protection. That is the reason that we should treat them differently. Even if they feel some kind of dissatisfaction, there should be no problem. This kind of distinction is justifiable. For these three reasons, we reject today's proposal. Call for rejection. Thank you.

THE FIRST AFFIRMATIVE RESUTTAL SPEECH

Fumihiro Joh-yu, Waseda Univ. E.S.A.

Mr. Speaker I'll start will Plan-Meet-Advantage No. 1, Circumvention. Firstry, they argue the Ministry of Justice has strong power to circumvent the plan. We have two responses. No. 1, they have no powers. Now first means requiring fingerprints on driver's license, visa, or tax return, they say, the Ministry of Justice can circumvent. But remember, the driver's license and tax return are out-side the jurisdiction of the Ministry of Justice. So there is no way and they can't do it. And they also argue that the whole government has the attitude; but the card is very vague, they need to prove specifically.

Then, let me go down to their second meand, they argue the antilegistlations. But we contend there is no guarantee the law eill be adopted and the card which says, quoted here from Mr. *Watanabe*, says it is possible for the Ministry of Justice to adopt any law, but that card doesn't have any reason and also doesn't have any past example. So we contend there is no power. And the second response is the enforcement will prevent. Enforcement will prevent this Circumvention. Remember our Plank No. 3, penalty will be imposed for any action which contradicts Affirmative's legislative intent. In this debate, legislative intent of Affirmative is, of course, to remove any form of fingerprint from Japan. So this will be prevented.

Now next argument is Plan-Meet-Advantage. They argue that new discrimination on the private level will offset Affirmative's solvency. We have two responses. No. 1, how many people willsuffer from these new discriminations on the private level? They never gave you this point. No. 2, Affirmative's plan is still better, because the Korean people demand Affirmative's plan, Korean people demand elimination of national level discrimination rather than provate level discrimination. After taking these two discriminations, Korean themselves and people from foreign nation themselves decided they prefer Affirmative's plan to the status quo. So this should not be reasons to reject Affirmative's plan.

Now let me go down to Disadvantage argument. They argue Affirmative's plan increases crimes. We have three responses. We contaend this is totally wrong. No. 1 b sub pont, they argue people from foreign nations are more likely to commit crimes. But look at the card closely. It just says, crime rate is just 2.7%, in other words, the other 97% are completely innocent. So

this small number can not be justified to continue the discriminatory system. Please remember that point.

Now 2nd response is that fingerprinting is no longer necessary to deter or decrease crimes. And I quote from *Yasuaki Ohnuma*, Asahi Newspaper Sep. 29th 1983. Quote "Fingerprinting illustration system started in 1955. At that time, the administrative system was premeture and the technique for photograph was quite poor. But now it is really doubtfull if we still need it. Because the administrative system is well-arranged and a very good technique for photograph was developed." Unquote. So we don't need the fingerprint to deter crimes. So Disadvantage won't accrue from the plan. Please keep that point in your mind.

No. 3, even if Negaitve is true, how many crimes will be committed? And how many crimes will not be detected? They never gave you this point. So all in all, we contend, this Disadvantage is too vague to continue discrimination in the national policy.

Now, then, Topicality. Now first, Effect Topicality was granted. And second point, Japanese. They firstly contend since they are in the national policy, we should go by negative legal definition. But they never prove Affirmative's dictionary definition is bad. There is no proof on this point. Affirmative doesn't have to be best topical. Affirmative have to be jsut reasonably topical.

Negative said in the proposition Japanese is used as adjective, so our definition is bad. But this is new argument, this is new argument, please take this argument out. They never told me they were going to argue this before hand. Now I'll argue. . . OK.

And Contention 1, they argue Affirmative never prove equal tratment is necessary. But look at Contention 1, Universal Declaration proves that equal treatment should be guaranteed regardless of their nationality.

Now second of all, they argue in Contention 1, since foreigners are getting more and more protection from both governments, we should discriminate. But they never prove, to what extent, what kind of more protection they're getting it is too vague to justify discrimination in Japanese society.

Now go down to Contention 2. His response is that we never proved fingerprint is discriminatory. Now they argue our card is just showing you the emotion of people, and they might be irrational. We have 2 responses. No. 1: They never proved these emotion were irrational. So, don't take this argument. Secondly, we prove that the fingerprinting system is quite discriminatory, quoting from many cards in 1AC, example if Prof. *Ohnuma* or *Takeuchi*. So, please keep that point in your mind. So all in all, we contend we have to abolish the fingerprinting system, and we believe it seems to me that, in this debate, Negative is quite hesitant, a quite hesitant to abolish the system because of a very negligible risk of crimes. But Affirmative is going to keep the great effort for human rights, that was made by our great ancestors. Please call for adoption. Thank you.

THE SECOND NEGATIVE REBUTTAL SPEECH

Seiichi Tanaka. Waseda Univ. E.S.S.

Plan side, Case side. On PMA 1, Circumvention, A Subpoint, B Subpoint, motive, granted. On C Subpoint, he says first there is no power of the Ministry of Justice. Wrong, on counteraction, he says these means are outside the juris jurisdiction of the Ministry of Justice. No, visa is still within the Ministry of Justice's jurisdiction. On anti-legislation, he says card doesn't give reason or precedent. So what? Card is from authorized source, so you can rely on it. He says second, enforcement spikes this out. Wrong. Please remember enforcement is left in the hands of prosecutors who, of course, are eager to circumvent the plan. Means circumvention is inevitable. Thus D Subpoint still stands.

PMA 2, he says first, how many will be affected? Of course, our card from *Yasuyoshi Kamei* indicates all aliens will be affected. He says second, aliens thinkfingerprinting is a most serious form of discrimination. Remember this is just asserted. They should prove this reasonably.

Onto Disad, three responses, he says first crime rate is low. Crime rate is just 2.8%, Right,

but it doesn't take out the total impact of Disadvantage. Remember our Disadvantage still remains. He says second, fingerprinting is unnecessary, Wrong, I'll argue one. Look at the cards. The cards doesn't say specifically, that photography is useful for crime investigation specifically. It is not talking about crime investigation, it talks about something else. And second, this is turnaround. Of course, ironically, the photography devel development had made it easier to fabricate or distort. From the Police Agency Science Institute, 1984, quote, "Photography is unreliable and ineffective for crime investigation. This is because the development of photography has made it possible to distort and fabricate photography. Thus fingerprinting is the most reliable tool for crime investigation." unquote. For crime investigation, photography doesn't work. He says three, to what extent crime rates will increase? I think this is a dumb question. We don't have to answer that can't answer that, but this is not the reason to reject this Disadvantage, because we all know murder is bad, robber is lousy, rape is terrible, so it easily outweights their advantage with no impact. Now, onto the case side, Topicality, B Subpoint, Little 2, the definition of Japanese people, he says first that their dictionary definition is still reasonable. Wrong, dictionary definition are usually, or normally, reasonalbe, but in this particuar round, it is not, because it goes beyond the limits of the reasonable definition, namely our legal definition, base upon a nationality. And, of course, the Concise Oxford Dictionary, New Edition defines "unreasonable" as, quote, "going beyod the limits of what is reasonable". unquote. And this shows that since the affirmative definition goes beyond the limits of our reasonable definition, based upon the nationality, well, their definition is unreasonable. He says second that our response is a new argument. This is not a new argument, this is just a extention of our Topicality attack, and, of course, they should be prepared for this kind of surprise attack. Now, so this is dropped, and they distort the resolution, therefore, their definition is unreasonable. Please pull that across your flow.

On the case side, specifically, on the advantage, they talk about rights. That sounds beautiful, but whose right is it anyway? What exactly the right are they talking about? They are talking about, as you know well rights of criminals or bad aliens to commit crimes. What they are talking about is a psuedo right created or concocted by the affirmative, in this particular round. There should be no reason to change a national policy, just because some people are complaining. Now, they talk about the right of those people, bad alines, but they seem to forget about something more basic or more important. What about the rights of innocent people to be free from a fear to live in peaceably or to be free from crime? They seem to ignore those rights. What about the rights of people who were robbed or murdered by those bad aliens. What about the rights of girls who are brutally raped, by those bad aliens? The affirmative just doesn't care, the nagative cares. I sincerely appeal to all of you that nothing, ladies and gentlemen, not even the psudo rights of criminals shoould be the reason to infringe upon the rights, the rights of innocent law abiding citizens.

THE SECOND AFFIRMATIVE REBUTTAL SPEECH

Jun Ishii, Aoyama Gakuin Univ. E.S.S.

The end is in signt. I'd like to ask the people who are sleeping to wake up. And listen to my speech, please.

Now, Topicality first. *Yamada's* Topicality in 1NR is still a new argument. Please don't take this. Out of your flow sheet. And secondly, they said we should use a legal term because we're talking about national policy. But they still haven't destroyed the reasonableness of our definition. And they didn't show us the reason why we have to use only a legal term.

Now, next talking about "Plan-Meet-Advantage 1", Circumvention. They still haven't proved 100%, whether they will really do it or not. Even if they might circumvent the plan, this is not the reason to reject affirmative's plan. Because even if they might, they might not. Even if there's 1% possibility that they will not circumvent our plan, we should go ahead and adopt our plan.

Because we might get the Advantage.

Now, Plan-Meet-Advantage NO. 2. Here's 3 points to answer. NO.1; We can still have a comparative advantage. This "Trade-Off" argument is concirning individual discrimination. But what our plan does, is to erase this discrimination among the policies, national policies. Eliminate the discrimination by the law, by the Government. This is the difference. Secondly, since people are prejudiced, Government should take initiative to erase the discrimination. NO. 3; They never proved whether this individual discrimination will really trade off our Advantage or not. They didn't show us to what extent they will trade off. Things like this. Because they are talking about individual discrimination, but we are talking about Governmental discrimination. We are talking about two different things. They can't argue that discrimination in an individual can trade off the Advantage gained by the revision of the law. We are talking about two different things.

Now, let's talk about the Disadvantage. They said the Disadvantage is very significant. But I don't think so. Now, what the Affirmative want is; even if the foreigners' crime rate goes up a littele bit, just a little bit, we can have another important thing. We can have both. Well, their card says that there's 1.2 or some ratio, I mean, in Japan, foreigners share only less than 1% of total population. That means even if the crime ratio goes up a little bit, though we think total crime, number of crimes, even just go up a little bit, just a little bit. What the Negative want is just a little difference. But what the Affirmative want is both. We're denying that criminal is good. We are not saying the criminal is good. But we can still have the right and criminal ratio to be low, both. But the Negative, the advantage of the Negative is only this ratio to go down a little bit. This is their disadvantage.

Now, since I have some time left, let me talk about the Harm. For example, they said there's a reason to discriminate against foreigners because they have a justifiable reason. We comfirmed in the Cross-Ex's, "What is the justifiable reason?" They say foreigners have higher crime ratio. Now, there are 100 people here. You are Japanese, and there's one bad person. He commits a crime. But the other 99 people are not reaponsible for his crime. So the Government says, "It's okay with you. I'm not going to take your fingerprint, because it's all his fault." But, if you are foreigners, only foreigners, there're two bad persons here. Just because there's one more bad person here, the Government comes and says, "I'm going to take your fingerprint because you might commit a crime, too. They are foreigners, and you are foreigners. They are your friends." According to the Negative, among 100 persons, there's only 1 person different. This is what they call "the justifiable reason" to discriminate. According to them, there's only 1 person, but because there's only one more bad person here, other 98 persons have to suffer. If you are Japanese, even if there's only one bad person here, other 99 people don't have to suffer. This is what I call. . . the DISCRIMINATION. (laughter) I just don't see the reason why only one more person is the justifiable reason to infringe the right of other 98 persons, and protect the right of only the Japanese. Please be reasonable. I'm not asking you to sympathize with the foreigners. Please be reasonable, just logical. And you'll see which side is right. Thank you.

GENERAL COMMENTS

This model debate had both good and bad aspects, mostly the former. The model debaters were all very articulate and well-versed in debate theory and strategy, and they were good "entertainers," so we could enjoy a well presented debate.

The case presented by the Affirmative was an interesting and unusual one. That was a good example of a case that doesn't follow the real intent of the proposition. In this sense, it could they aren't too restrected by parameters established by the sponsoring group. It's also a good example of a case that doesn't forrow the real intent of the proposition. In ths sense, it could be said that the case was not the best to use as a "model" for getting the many debate groups of T.I.D.L. started on a new proposition. However we can't say the case was "illegitimate" (or

non-topical) since there were no strong parameters or restrictions spelled out by T.I.D.L., that would prevent the development of such a case.

This "fingerprinting" case became very popular and was used frequently. Topicality was, of course, always a major issue but there was nothing to preclude interpreting the words (in the proposition) "the Japanese people from foreign nations" as meaning "people of foreign nationality residing in Japan", and debaters cleverly used dictionaries to help them do it!

In this particular debate, the Affirmative successfully withstood the Negative's topicality challenges and sealed it all with a convincing argument, "We don't have to give the *best* definition but only a reasonable definition."

The debate was philosophical in nature as it centered on discrimination and basic human rights. And it was a good case for the debaters to get rather emotional about in trying to persuade the audience to their points of view.

In my view, the Affirmative proved that there was no valid reason why the Japanese Government should be permitted to continue its policy of fingerprinting only foreign residents and criminals ("putting them in the same class") so went the argument. The Negative's main argument against changing the policy ("Crime will increase significantly") was not adequately supported.

The main lesson of this case was a warning to all debaters to always be prepared to have a response to "surprising" cases because they are always around waiting to be sprung on unwary debaters, novices, and experienced hands alike!

(All of the "Comments" on this booklet were given by Mr. C.A. Holeman.)

Chairman of this 'match' : Shun-ichi Sohma (Hitotsubashi Univ. I.S.)
Commentators of this 'match' : Mr. C.A. Holeman
Fr. Scott Howell
Mr. Sam Wida.

The Final Match in the 22nd Championship Debate Contest

THE FIRST AFFIRMATIVE CONSTRUCTIVE SPEECH
Yoshimi Hamada, St. Paul's Univ. E.S.S.

Now, ladies and gentlemen, the Japanese Government has been taking every kind of policy to protect the Japanese people from foreign nations. To protect the Japanese people from foreign epidemic disease is also considered as one of the significant national policies. So today, we, St. Paul's Affirmative are especially pleased to be defending the resolution that, resolved: that the National Government should significantly strengthen its policies to protect the Japanese people from foreign nations. Before stepping into our main argument, I'd like to define some key terms. Now we mean, Plasma Derivatives will be treated as blood components, Aquired Immune Deficiency Syndrome as AIDS, in today's debate. To clarify the definitions of terms, we present the following planks to be adopted immediately.

Plank 1, Administration

An independent AIDS Committee should be established. Members are from the Ministry of Health and Welfare, Municipalities of local governments, the Japan Red Cross, and other private sectors. And the Committee will be guaranteed minimumly sufficient power and resources to implement the Affirmative plan.

Plank 2, Mandate

a) Stop importing blood components from the U.S.

b) Legislate a law to get donations of blood from healthy men and women whose ages are between 16 to 60.

c) Apply the Quarantine Law to AIDS.

d) All necessary adjustment should be taken and all relevant portions of conflicting law shall be superceded by the plan.

Plank 3, Funding

If necessary, money will be financed through the best combination of National Bonds and the General Account.

Plank 4, Enforcement

Through the normal judicial procedures, judicial findings of violations against our plan mandate will result in fine or removal from office.

Plank 5

All speeches will serve to clarify the legislative intent of today's proposal.

Now, justification of our proposal will be described in the following three contentions.

Contention 1. Japan Depends on Blood Components from the U.S.

a) Blood components are indispensable medical goods. Please pay attention to this chart. This chart. This chart may be unfamiliar to you. But this is the type of the patients who need the blood components like hemophiliac patients, rheumatic patients, and please note heavy burn and cancer patients. Now we need blood components when these patients have operations. The blood components are indispensable.

b) Many people are actually entrusting their lives to blood components. I go to Japan Economic paper, September 8, '83. "There are supposed to be about 300,000 people who are malignant rheumatic patients and using blood components."

c) 80% of blood components are imported from the U.S. I go to Asahi Newspaper, June 9, '83.

"The Japan Red Cross can satisfy the domestic demand of whole blood, but cannot satisfy that of blood components which are made through a chemical separation system, and they depend about 80% on imports from the U.S." Unquote. So this evidence shows you that 80% of these indispensable blood components are from the U.S. However, this situation leads to. . .

Contention 2. AIDS is Prevailing in the U.S.

a) Please look at this chart. This chart shows the number of AIDS patients in the U.S. in '79, there were 7 patients, but in '84, April, there were 4,223 AIDS patients. So we can say AIDS patients are drastically increasing. And here comes. . .

b) AIDS is quite a serious disease. I go to AIDS, written by Hiromi Matsui, Prof. of Yamato Gakuin Women's College in '83. "Among AIDS victims, only 14% of victims could live over 3 years after getting AIDS. And no one can recover his Immune Deficiency. In this sense the death ratio of AIDS is over 80%." So we can surely understand AIDS is quite a serious disease. Here comes. . .

c) However, in the U.S., they are having difficulty in diagnosing AIDS patients. Now I go to Newsweek, April 18, '83. "In fact the syndrome (AIDS) can be difficult to diagnose because its early manifistation often mimics those of less serious illnesses, like persistent fatigue, fever, diarrhea, night sweat, as well as a string of recurring virus infections such as cold, flu, herpes simplex and shingles." So, since AIDS is difficult to diagnose, at the first stage, there is a high probability that donated blood from the U.S. is contaminated by AIDS virus. Now here comes. . .

d) There is a high probability that the blood components from the U.S. will affect Japanese patients. Now Dr. Matsui continues. "A Hemopheliac patient usually needs 34 times transfusions in a year of plasma containing derivatives of blood components. Since one unit of blood components consist of blood from 2,500 donors, there is a high probability that such patients who are using blood components would be attacked by AIDS through blood transfusions." So in that sense, Japanese patients may be affected by AIDS invasion. Here comes. . .

e) Actually, the Japanese Government has admitted the probability of transfusion of AIDS disease. Now I go to the Yomiuri Newspaper, August 30, '83. "In responding to the warning concerning AIDS done by the American Red Cross, Mr. Gunji, the chief of the Biological Component Section at the Ministry of Health and Welfare stated, 'We cannot say there is no possibility that blood components from the U.S. are not contaminated by AIDS virus. It is said that if this fear comes true, Japan as importer of a massive amount of blood components has to pay great attention to this issue." So the Japanese Government itself admitted the significance. However,

Contention 3. Present Policy Cannot Cope with Such a Situation

a) A structual gap exists. The present Quarantine Law is not applicable to AIDS. To prove this, I go to Quarantine Law, Article 2. "Cholera, plague, smallpox, and yellow fever are defined as quarantine epidemic diseases." Therefore, since AIDS is not covered, we cannot stop importing blood components from the U.S. Now here comes. . .

b) The principal of blood donation prevents us from raising the self-sufficiency ratio. I turn to Give Blood, Save Life, c/b the Japan Red Cross, '83. "Definition of blood donation by the Japan Red Cross: Donation of blood means the activity that healthy persons give blood without expecting compensation and enforcement for the sake that patients who need blood can get blood with confidence." Therefore, within the framework of the status quo, we cannot avoid the threat of an AIDS invasion.

Now by the adoption of our plan, we can enjoy 2 advantages.

Advantage 1. By stopping the importing of blood components from the U.S. and by self supply of blood components, we can avoid AIDS invasion.

Advantage 2. By donating blood, the health condition of Japanese people will improve.

As for advantage and plan, more detailed explanations will be done by my partner. So, in order to avoid the threat from foreign nations, we sincerely call for adoption.

Comments: The initial presentation of the Affirmative case was good. The case itself was a rather

standard 'AIDS' case and followed a standard organizational pattern. One aspect of the plan, the lack of a system to check on whether or not eligible adults had donated blood as required, later proved to be a troublesome oversight for the Affirmative

CROSS-EXAMINATION
Questioner: Takenori Itoh, Negative
Answerer: Yoshimi Hamada, Affirmative

N: OK, first of all, let me briefly confirm your plan. Would you repeat plank 2, Subpoint E?
A: Subpoint E?
N: Yes.
A: There is no Subpoint E.
N: Oh, excuse me! Subpoint C.
A: Subpoint C. . . Apply AIDS to the Quarantine Law.
N: Would you explain this more in detail?
A: This law prohibits the import of harmful goods.
N: OK, speaking of Contention 3, Subpoint A, you said we cannot stop importing poisonous or dangerous blood from the U.S, right?
A: Yes, correct.
N: Why is that?
A: Since the self sufficiency rate is low in Japan, we cannot selfsupply.
N: So you mean there is no enforcement for the people to donate blood, right?
A: No enforcement?
N: Excuse me, would you repeat Subpoint B?
A: Subpoint B? Legislate a law to get donations of blood from healthy men and women whose arges are between 16 to 60 . . .
N: So you mean by your plan all the people 16 to 60 will be required to donate blood, right?
A: Yes, once in two years' time.
N: OK, now, why isn't this law enacted under the status quo?
A: Since the present donation policy is not sufficient to raise the self sufficiency rate of blood. . .
N: OK, why do you think the Government does not try to enact this law?
A: As I said in Subpoint D, there is a structual gap.
N: OK, but if the Government tries to change the structure, they can do it, right?
A: I'm not sure.
N: OK, now speaking on Contention 1, you were talking about blood components, right?
A: Yes, correct.
N: It's one of the medicines made from blood, right?
A: Medicine! It's one of components of blood.
N: So it's made from blood, right?
A: Yes.
N: OK, and you said in your plan you are going to replace 80% of blood components by domestic production, right?
A: Yes, correct.
N: OK, do you have any capacity or productivity to produce this kind of blood components in Japan?
A: Yes, we have.
N: Who has the capacity or productivity to produce this kind of blood components?
A: Since there are many private companies which are competing in producing separate blood components . .
N: If this is true, why is Japan importing blood components itself rather than using donated blood?

A: It's because of the donation policy as I stated in Subpoint B, Contention 3.
N: OK, Contention 2, you said there is a great possibility that AIDS will spread in Japan, right?
A: Yes, correct.
N: OK, Japan has been importing blood from the U.S. for a long time, right?
A: What do you mean by a long time?
N: OK, at least your chart says AIDS started spreading in the U.S. in '78, right?
A: Yes.
N: But Japan already imported blood from the U.S. at that time, right?
A: Yes.
N: OK, so far, more than 5 years have passed, but we can't find any AIDS patients in Japan. Why. . . ?
A: To some extent, there is a time lag for the invasion of virus.
N: Who says so?
A: We can prove it.
N: Who says so, precisely?
A: I go to the Yomiuri Newspaper.
N: OK. Then, how long is the time lag? Specifically when do you think AIDS will invade Japan?
A: What we argue is that there is a possibility.
N: OK. Why do you say there is a possibility when there has been nothing. . .
A: As I indicated in the chart, there has been a drastic increase of AIDS patients in the U.S. . .
N: Yeah, but there is no one yet in Japn. . .

Comments: The negative attack began with a rather strong attack on inherency (Why hasn't the Government already done what you say if the harm is so serious?) and the Affirmative reply was rather weak (There's a structural gap.), we know that, but *why* is there a structural gap for such an alleged serious harm? The fact that inherency issue didn't seem to be a significan. voting issue is a good example of how the inherency issues of this type are of declining important in Japanese debating. One of the Negative's major challenges to the Affirmative case began in this period: Why hasn't AIDS come into JAPAN since blood from the U.S. has been imported into and used in Japan since before the time AIDS began spreading in the U.S.? This "possibility" became a major voting issue.

THE FIRST NEGATIVE CONSTRUCTIVE SPEECH

Ichiroh Shirasu Waseda Univ. E.S.A.

We will present you one observation: that is the problem is the hemophilia patients in Japan. Because the persons who have a fear to be infected by AIDS are all hamophilia patients so far, but it was changed. On this point, I go to "Blood Donation by Love is Sold" written by Tetsuya Matsukura, who is the Chief of the Medical Problem Research Institute printed by Sanichi Shobo, November 1983. Quote: "Under the status quo, there are about 3,000 hemophilia patients in Japan for whom U.S. blood has been imported. Because, they need the 8th factor of blood which should not be boiled." Unquote. On this point, I'll explain later in detail but this is a very important thing in this debate.

Then, initially, I'd like to argue the Topicality argument. First of all, A. Precise interpretation is necessary. B. Violation. Today's Affirmative side is totally out of topic. Because a) The affirmative side completely neglects the important definite article "the" which is placed before "Japanese people". If we say "the Japanese people" it means all citizens in Japan. On this point I go to Hiroshi Matsusaka, Assistant Professor of English at Waseda University, who stated in May 1984: Quote: "When there is the definite article "the" before collective nouns, such as "Japanese people", it means all citizens of Japan. This is the generic use of the difinite article." Unquote. Thus, you understand, under this proposition, we have to argue a policy to protect all of the

Japanese people. But what they are going to do is to deal with only the patients in Japan who might be infected with AIDS. And those patients are only hemophilia patients so far, but the situation has changed. So, Impact: of course Topicality is a voting issue. You don't have any reasons to vote for the Affirmative.

Then. Next, our second Topicality argument is that today's Affirmative side cannot justify the term "foreign nations". Because they are protecting the Japanese from AIDS. AIDS is not people. On this point I go to Hiroshi Matsusaka, Assistant Professor of English at Waseda University, May '84, Quote: "When we say "to protect A from B", B must be directly responsible for the harm that A suffers." Unquote. But the foreign nations are never direct cause of this. The direct cause of this problem is AIDS. AIDS is the direct cause. So in this sense their Topicality cannot stand. This is clearly a voting issue.

Then, even if their case is Topical, we cannot understand the significance of the problem. First of all, let me touch upon this chart. They are going to say from this chart, that there are a lot of blood, a lot of medicines. But this chart never indicates that those medicines are produced by using U.S. blood. And also it never shows by these medicines AIDS occurs. It never says so. Please keep this in your mind. They said in Contention No. 1., that the Red Cross about 80% of blood is now being importing from abroad. But under the status quo, we contend Japan can increase the amount of imported blood. On this point I'll explain later.

Then Contention No. 2. They, in point A, presented a chart showing that the number of AIDS patients will increase. But this chart never indicates that AIDS will surely come into Japan. This chart is only about the situation in the United States, that AIDS patients there are increasing. The Negative says that in Japan it will surely never happen from the United States. Then I will argue that there is no causality between the blood transfusions of blood from the United States and AIDS infection in Japan. On this point I go to the Asahi Newspaper, June 10, 1983 Quote: "According to the Ministry of Health and Welfare, AIDS started spreading over four years ago in the United States. And our country has been importing American blood." Unquote. Then, Why do they argue that there is a high probability of AIDS infection? But AIDS has spread in the United States from four years ago. Then, Why no AIDS is found in Japan? This is nothing but proof there is no causality between transfusion of blood from the United States and AIDS infection in Japan. Also on this point an authority supports this. I go to the Biological Drug Production Section of the Ministry of Health and Welfare, May 18, 1984, Quote: "It's been many years since AIDS spread in the United States for the first time. Although Japan has been importing blood from her, no case of AIDS has been found here so far. So some experts started having the idea that infection of AIDS is not through blood transfusion." Unquote. Then, look at their cards to support causality. Their cards are also quoted from Ministry of Health and Welfare but their dates are in 1983. But this argument, the date, that I presented now, is written in 1984. Then it is much more credible.

All right, then I'll argue a very big Inherency argument, that is from now on there is no danger of AIDS infection in Japan. On this point I go to the Asahi Newspaper issued on April 27, 1984, Quote: "The American Genetic Company developed the method to produce protein which solidifies human blood with genetic engineering. The protein is called the 8th Factor of human blood which is essential for the cure of hemophilia. The possibility of mass production is hopeful. So its commercialization would relieve many patients." Unquote. Thus, by using that blood, many patients can be cured. And if necessary the Japanese Government can order the hospitals to use these medicines. And this medicine is superiour to the Affirmative plan. Because the New York Times on April 27, '84, Quote "The cure by the 8th Factor will cost much less than by blood products all in all." Unquote. Thus you understand how to keep the status quo is superior to implementation of the Affirmative plan. Then, also there is another Inherency argument. That is, I go to Mr. Kenji Haneda, Chief of the Medical Section of the Japan Red Cross, in 1984. Quote: "The Japan Red Cross developed a method for sterilizing blood in boiling water. The new method can perfectly prevent infection of AIDS, removing

all possible causes for infection." Unquote. This clearly shows that patients who are not suffering from AIDS can be completely cured by the new method now being produced in 1984. But please remember, all their cards are quoted in 1983. That means their analysis of the present situation is not at all enough. Then we contend that the present policy can completely cope with new AIDS infection in Japan. Then I go to Contention No. 3. point B. I have one objection, that is NEWSWEEK April 18, 1983. Quote: "The United Sates Government recommended that all blood and plasma collection centers advise donors in high resk groups to voluntarily refrain four giving blood." Unquote. Thus you can understand that there is less risk in the United States. Of course under the status quo, the Government just says that right now the problem can be perfectly solved. Then, for all these reasons, if we keep the status quo, the problem can be automatically solved. There is no reason to call for the adoption of the Affirmative Plan. Because in 1984, effective medicine has been developed. Thank you.

COMMENTS: The Negative's Topicality argument that All the Japanese must benefit from the Affirmative's plan is topical of the kind of "rediculous" (my description) Topicality arguments that debaters spend too much time and take away from more substantial issues. If we should go along with the Negative line of reasoning then All cases in All debates would have to benefit All the people (Japanese or otherwise) that are subjects of a proposition. This is directly counter to the accepted principle in debate that the Affirmative has the right to narrow the area (of the proposition) they cover so long as it with stands the test of significance. Likewise the Negative's Topicality argument that the AIDS is not a "foreign nation" or its people that are directly responsible for the harm is ridiculous. Again if we follow the Negative line of reasoning no machine, no product, no service, etc. etc. of a foreign nation could be considered as directly responsible for a harm; it could only come from the physical human bodies of people not from anything they make, or transmit (like a disease). How narrow! Another major voting issue causality (blood from the U.S. can cause AIDS) was begun in this period. Strong defense of the S.Q. was begun here also.

CROSS-EXAMINATION
Questioner: Akihiro Kimura, Affirmative
Answerer: Ichiroh Shirasu, Negative

A: First, you said that we have to care about all the Japanese people, correct?
N: Right.
A: Your card is by Hiroshi Matsusaka, Assistant Professor of English at Waseda University, right?
N: Yes. An authority.
A: Then, why can you rely on a professor at Waseda University? (laughter)
N: Our University is an authority.
A: Only your cards concerning Topicality is from . . .
N: No, he is an English professor.
A: In what book he wrote such a thing?
N: He is now studying a lot of things concerning English.
A: A lot of thing?
N: No. He learned English grammar and he knows a lot of about English. And please think, you maybe don't know but when "the" is placed before a collective noun such as "Japanese people" it means all citizens of Japan.
A: Thank you very much. You quoted the Kenji Haneda card. Japanese can boil blood in order to prevent AIDS. You said so?
N: Well . . . boil . . . well, right.
A: Why can we use such boiled blood?
N: Well, that is an Inherency argument under the status quo. . .

A: Then, why do we need boiled blood in order to prevent AIDS?
N: Well, because in order to reduce, in order to reduce their mass.
A: Then, there is a possibility that infection of AIDS can be caused by imported blood!
N: No. We are not saying so.
A: Then, why do we need boiled blood? Whey do we need to do so?
N: Well because simply it is cheaper, first of all.
A: Cheaper?
N: And secondly because to import a lot of blood from the United States costs much and . . .
A: And you said only the possibility is hemophilia patients, correct?
N: Right.
A: Why?
N: Because hemophilia patients have no . . . now hemophilia patients are the patients who have the . . .
A: How do you care about such people with heavy burns or after the operation of medical care?
N: Well, those are the patients that are quite all right by only the means of using boild blood.
A: Boiled blood? Did you prove the effectiveness of boiled blood?
N: Well, an authority says. . .
A: An authority says.
N: And also it will be soon implemented.
A: Does it have the capacity to cure all these patients in Japan? Did you prove this point?
N: What?
A: Does it have the capacity to be used for all these patients in Japan? Did you prove the capacity?
N: Of course. And if necessary, the Govenmment can order. . .
A: Order. . .
N: Order hospitals to use these medicines, if necessary. But we contend it is natural to use it if it is better. . .
A: Then, you said that since we have, it we could never suffer from AIDS, there is no possibility, correct?
N: I beg your pardon?
A: You said in Contention 2, the Ministry of Health and Welfare announced something like that. You said so?
N: Well, the Ministry of Health and Welfare announced in 1984 that there's not a problem.
A: Then, why in your analysis, what's the reason. . . Why in the United States AIDS patients are increasing?
N: It's your burden to prove why there is no AIDS in Japan although Japan has imported blood since four years before.
A: Then, which is your stance AIDS is a significant disease or not?
N: What?
A: Which is your stance whether AIDS is a significant disease or not?
N: Well, we argue that AIDS can be perfectly prevented if we keep the Status Quo.
A: Then, do you want to get AIDS?
N: Of course not. But I . . .
A: No! Then why do we try to do such a thing in order to prevent it? Why do we need such things?
N: Well, our answer is that it is cheaper and I think it's philosophically not good to cure a disease by using other nation's blood.

COMMENTS: The end result of this exchange was that the Affirmative showed that the Negative was a bit contradictory in the area of causality and in its support of the S.Q. On one hand they say there is no possibility of AIDS coming to Japan but on the other hand they say that if blood is treated by boiling it can prevent AIDS. This admits possibility of blood transmitting AIDS.

THE SECOND AFFIRMATIVE CONSTRUCTIVE SPEECH

Akihiro Kimura, St. Paul's Univ. E.S.S.

Thank you, Mr. Chairman. As my partner showed you by the chart, now many patients of such various kind of diseases need blood components for treatment. But we are, depending on its supply more then 80% on the United States. And now in the United States AIDS is prevailing and the patients are drastically increasing. And since AIDS infects us through blood transfusions there's possibility that people will be attacked by AIDS. In such a situation which policy is better to protect the Japanese people, the present policy or the Affirmative plan? We contend our plan can far better protect the Japanese people. Based on this recognition, I'd like to explain our case one by one.

First, I'd like to explain solvency of our case. Please pay attention to this chart. This chart shows you how we are going to attain 100% self-sufficiency of blood components. Now, in order to attain this 100% SSR, we need donations from 30% of the population. But under the status quo only 6% of the total population donates, namely 7.15 million. So in order to attain 30% of the total population we need 35.75 million donations. And the latter part of this chart shows you the capacity, of Japan. There is a population, from ages 16 to 60, about 76.32 million. But the disqualified people for donations occupy 12.4%. So totally we contend there is a capacity of 66.9 million people. We only need 35 million annually, but there is a capacity of about 66.9 million. So in that sense we can surely attain the self-sufficiency. Moreover, the Japan Red Cross has the capacity. I quote from OUTLINE OF ACTIVITIES '82 compiled by the Japan Red Cross Central Blood Center. Quote: "There are 67 blood centers, 111 blood sessions and 311 blood collecting buses. Capacity of collecting blood are: 555 persons for a center; 415 persons for a blood session; and 245 persons for a blood collecting bus. So we have the capacity of collecting blood up to about 58 million people at a maximum in a year." Unquote. So in that sense we can surely get enough donations. So we can surely attain Advantage No. 1.

And I'd like to explain Advantage No. 2. Advantage No. 2 is our health condition will be improved. If we donate the blood, we can surely discover potential diseases, whether we are the patients of hepatitis or syphilis or not. And actually many people are discovered as patients when they donate their blood. I quote from OUTLINE OF ACTIVITIES '82 compiled by the Japan Red Cross. Quote: "The discovery rate of Hepatitis and Syphilis by blood donations: B type Hepatitis – 1.28%, Syphilis – 0.44%." So we are going to ask people to donate their blood by legislation. So we can surely discover all the potential diseases. So it well contribute to the health of Japan. This is quite a significant Additional advantage.

Now I'd like to go back to the case side. First, in Topicality they defined "the Japanese", but please remember their standard. Their standard comes form Waseda University. But they couldn't authorize this topicality standard. So they have to authorize this. And even if the Negative standard is true, still we can protect all the Japanese people.

Now please pay attention to this chart. They said the problem is the hemophilac patients. But blood components are used in various kind of medicare, so in that sense all of the Japanese have a possibility to suffer from cancer, or all of the Japanese people have a possibility to get a medical operation. In that sense, since all of the Japanese people have the possibility to use blood components, we are going to protect all the Japanese people.

And the second argument of the Negative side in the "foreign nations". But the Negative couldn't deny, say directly. But today we are going to protect the Japanese people from the threat from a foreign nation. In that sense our plan is reasonably topical. So please consider by a reasonale mind. So they didn't destroy any reasonability of our Topicality. So our case is topical.

And Contention 1. They said the problem is only hemophiliac patients. But on this point they didn't attack our chart that we need blood companents for various kinds of diseases. So their argument is not true. And they kindly supported our argument that there are many hemophiliac patients in Japan.

And (B), they said, no, (c), they said, can't decrease. But they only asserted. Please don't cout this point. And Contention 2, they said only the United States. But since in the United States patiens are increasing, we contend that the more patients increase, the more the possibility increases. This point is very important in this debate. So, please, this point stands. And actually they quoted many cards to say that there is no possibility. But actually in the United States many hemophiliac patients are suffering from AIDS due to blood transfusions. I quote from Prof. *Hiromi Matsui* at *Yamato* Women's college, 1983. Quote: "In the U.S., AIDS is prevailing among hemophiliac patients. It is recognized that it was caused by the blood components and the blood from selling blood. The reason why the blood components are dangerous is the fact that we are depending on the U.S. for more than 80% of its supply." In that sense, in the United States, also the United States can't prevent AIDS through blood transfusions. This is nothing but the proof of causality. So Japan has the possibility to suffer from it. THE OFFICIAL RECORD OF THE TOKYO METROPOLITAN GOVERNMENT, July 1983. Quote: "Dr. *Matsui* claimed that there is a possibility for Japan to be invaded by AIDS through blood components which are mainly from the U.S. We cannot call this possibility a little one. In Tokyo metropolis, which is the same size as New York, we have a need to prevent such infectious disease as AIDS." So Japan has the possibility. And since there is a possibility, foreign governments have already taken measures to protect people. Actually France did it. I quote from LIVING AND HEALTH, August 1983, compiled by Hokendojinsha. Quote: "In recent days, France banned import of blood for blood transfusions and blood for blood components from the U.S. due to the fear of AIDS." So in that sense actually foreign governments have already taken measures. So in that sense there is a possibility and we have a need to prevent it. Since Negative have no idea about the significance of AIDS, we have a need to prevent it.

And the main argument of the Negative side is that so far we have never suffered from AIDS. But there is a time lag. Since there is a possibility, patients are increasing, there is a time lag. I quote from *Mainichi* Newspaper, July 1983, *Yoichi Shiokawa*, Prof. at Medical Department at *Juntendoh* University. Quote: "It will take 1 or 2 years lag when this syndrome invades Japan. There is no knowing what will happen next on AIDS." So in that sense there is a time lag. So if we introduce it immediately, we can surely cope with this problem. So in that sense the Negative's argument is in vain.

And another argument of the Negative side is that we can boil the water and the is an alternative to it. But please remember the Negative card. Negative side said it is just cheaper. But none of the Negative side cards maintain that, mentioned about, the capability of the production, or the effectiveness. So they have to exactly, since they are going to introduce a new medicine or a new alternative, they have to completely prove the effectiveness and capacity to cover all Japanese patients who are now using boiled components. Unless they do that our policy guarantees the better solvency and the Negative's stance is in vain. So, in that sense we have a need to prevent it.

And in inherency point (b), they quoted a card but there in no proof that if we maintain the status quo we can surely attain a 100% self-sufficiency ratio. They didn't prove, so inherency stands. And point (a) was completely admitted. So the Negative case side is totally in vain. So, in order to protect the Japanese people, please call for adoption. Thank you.

COMMENTS: Solvency arguments were well supported by authoritative statistics. The Topicality refutation on the standard was weak as it lacked valid *reasons* why the Negative supporting evidence wasn't "authoritative".

Why isn't a Waseda U. professor's statement sufficient? The other topicality arguments were good common-sense reasoning. Support of the "possibility" of catching AIDS through imported blood components from the U.S. was good.

CROSS-EXAMINATION
Questioner: Ichiroh Sirasu, Negative
Answerer: Akihiro Kimura, Affirmative

N: Well, first of all, let me talk about topicality.
A: Yes.
N: Well you said, first of all, in topicality No. 1. You said Hiroshi Matsusaka is not an authority, right?
A: Yes.
N: Why?
A: Pardon me?
N: Don't you think to keep . . . English grammar is important in debate?
A: Fluent English is important.
N: It's important?
A: Maybe it is important.
N: OK. Thank you very much. And do you have some counter cards to porve that we should not interpret like this?
A: Sorry, I beg your pardon?
N: Oh, then talk about counter card No. 2. You said threat from foreign nations.
A: Right.
N: So, then the threat means AIDS, right?
A: Right.
N: Then . . .
A: But the symptons are in the United States, so we are going to protect. . .
N: But is it the responsibility of the United States? Our card says that we should be responsible to protect A from B. In this sense B should be responsible for A. our card says so. But didn't you refute this point?
A: We have need to prevent AIDS. . .
N: So everyone. . .
A: Of cource the United States Government is also responsible to take care of it.
N: Well then, did you prove the United States Government is responsible for that?
A: Of course to prevent disease is the responsibility of government.
N: Why, why can you say? AIDS is. . .
A: So, many government take policies to protect from diseases.
N: Ah, right. Then you have to prove that by the United States Government action we can surely be protected from AIDS, right?
A: No, no. We are not saying so.
N: Oh, thank you very much. The next point is that you said the more and more AIDS increases the more porbability, right?
A: Right.
N: Then you said that the latent period of AIDS is one or two years, right? You said. . .
A: So this card is dated in June 1983. . .
N: And you said, then didn't you hear our card which says that since four years before Japan has been importing blood? Then. . .
A: But under the status quo AIDS patients are drastically increasing. So we contend there is a possibility to prepare for AIDS.
N: No, no. Well, we are saying, we are asking you, then why now there is no AIDS in Japan? Your card says the latent period of AIDS is one or two years. . .
A: So there is a time lag in such a disease, a newly appeared disease infects us.
N: Your card says. Thank you very much. Then your cards proved, the three cards quoted, namely to prove causality and all of the cards date in 1983, right?
A: Right.
N: Then, that means that. . .

A: But you didn't prove U.S. policy is effective or not, something like that.
N: Then if we, if we can prove that that kind of newly developed nation can perfectly prevent AIDS, it means. . .
A: It's up to your proof.
N: OK. Thank you very much. And the next point, please clarify the reason why there is no AIDS in Japan?
A: So, there is time lag.
N: So, then, how, to what extent there is a time lag?
A: So. your card, the *Mainich* Newspaper card clearly says. . .
N: So, your card says one or two years, right?
A: So, see, after the June 1983 it takes one or two years to revail, considering the date.
N: Then, how long is the latent term of AIDS?
A: Pardon me?
N: The latent term of AIDS is how long?

COMMENTS: Still no reason from the Affirmative why the *Matsusaka* card was not "authorized". The Negative agian brought out strongly that, though the Affirmative "possibility" arguments are well supported, ***still*** no AIDS has come to Japan under the SQ. This is a good example of "possibility" v.s. "probability" clash, for though a strong possibility has been proven, the probability has not come true (also proven).

THE SECOND NEGATIVE CONSTRUCTIVE SPEECH
Takenori Itoh, Waseda Univ. E.S.A.

First, Topicality. As for the first point they said Professor Matsuzaka is not reliable. But we don't understand why he's not reliable. Now, the Affirmative has not proven why we don't think about the word "the" in this proposition. However we successfully proved we need to think about "the" because there is a word of words. Now we have to get the reason here why we have the word "the" in this proposition. Because it's necessary. Then, what does it mean? 'The Japanese people' means all the people in Japan. 125 million people in Japan. But today's Affirmative is trying to say just some portion of the 125 million people. Now this chart just shows that some patients are suffering from various diseases. But this doesn't mean all the 125 million people in Japan need blood components imported from the States. For example, I don't need the blood imported from the States. I'm healthy. I'm not suffering from AIDS. So the Affirmative must prove that all the people in this hall need the blood donated from the States. Otherwise our argument is still standing. As for the second point, we said foreign nations must be directly responsible for the harm. But at for AIDS, the American Government is not directly responsible. The American Government shouldn't be blamed for AIDS because it's not their fault. So, still these arguments are strongly standing.

Now, PMA 1. My favorite argument. The plan will not be implemented. Now, Subpoint A. They said there is a structural gap, that's why the plan will not be implemented. However if the bureaucracy tries to legislate a law, it's so easy. On this point according to THE JAPANESE w/b Edwin Reishawar a former U.S. ambassador to Japan, presently a professor at Harvard University, quote: "Legislation is often in general terms and depends on many cabinet orders for its specific application. So the bureaucrats have a large decision-making role as the policy implementers." unquote. So if the Government feels it's necessary to force all the people to donate blood for the patients, they can do this. But they don't do it. Why? Because the Government is against the Affirmative's plan. Now, I'd like to strengthen this argument: the Government is against the plan. The Ministry of Welfare, Biological Drug Production Section, May the 18th, 1984, quote: "Blood donation, as it literally means, should be definitely based on the people's voluntary will. So the Government would never justify any forced blood donation proposals." And also the Japan Red Cross has the same opinion as the Ministry of Health and Welfare. The

Japan Red Cross, Blood Work Section of the Central Blood Center, May the 18th, 1984, quote: "It's impossible to have all the people donate their blood. Because any agencies would be hesitant about forcing the people to donate blood, because they're all based on the idea that blood donation should be voluntary." unquote. Now, please check the plan. The Ministry of Health and Welfare and the Japan Red Cross. These two agencies are in the body of the plan. They are in charge of the plan. They are against the plan. So, in order to overcome their attitudinal barrier we have to have enforcement. However, subpoint B, enforcement cannot work on the Government. On this point, according to SUMMARY OF ADMINISTRATIVE LAW w/b Naohiko Harada, assistant professor of law at University of Tokyo, quote: "When the Government is rather against bill passed by the Diet, she can make it substantially invalid. That's why actually many bills have been still invalid even though they were all passed by the Diet." And I'd like to explain why the judicial view cannot work in this case. From the same source, quote: "The courts are allowed to declare the Government's nonfeasance to be unconstitutional. But their judgements cannot restrain the Government's actions, because under the separation of powers, the Judicial Branch wouldn't try to restrain any action of the Government." unquote. So, the penalty can't work on the Government's non-feasance. Therefore, Subpoint C. The plan will not be implemented.

Now speaking about the second PMA argument; People will not donate blood even after the plan's adoption. Now Subpoint A, the Affirmative said that under the status quo the blood donation ratio is very low. Why is it? Because people don't like donating blood. On this point the Ministry of Welfare, Biological Drug Production Section, May the 18th, 1984, quote: "Blood donors are very sensitive to the usage of their blood. They donate blood in order to let it be used for the medical patients free of charge, and they really hate for their blood to be in charge of private medicine manufacturing companies and to be used commerically." unquote. So people don't like to donate blood. However, Subpoint B. No specific check system was introduced by the Affirmative. They just proved the capacity to collect blood. They did not prove if it's possible to check whether he or she has donated blood or not. It's impossible. I'd like to prove the impossibility of this checking system. According to the Ministry of Welfare, Biological Drug Production Section, May the 18th, 1984, quote: "It is impossible to figure out perfectly who has donated blood or who hasn't. Because there is no check system established yet, and such a system is impossible to realize." unquote. Now please remember. The Affirmative constructive periods are now over. And they haven't presented any specific check system. Now under the status quo, as I proved just now, it's impossible to check if all the people have donated blood or not. Subpoint C, Impact: people will not domate the blood.

Now PMA 3: no capacity to produce blood components. Now, the Affirmative has one misunderstanding. They believe all they have to do is just to import blood from the States. But it is not true. Blood must be differentiated into some specific elements. On this point, According to the Japan Red Cross, Blood Work Section of Central Blood Center, May the 18th, 1984, quote: "Blood plasma must be differentiated for its specific uses. However, at present the Japan Red Cross has only one factory of blood plasma differentiation in Hokkaido, and it can deal with at most 10% of the total demand." unquote. This clealy shows it's impossible in Japan now to produce whole people's blood components. They said we need blood components but it can't be done. It can be produced in the States, but in Japan as this evidence shows, it's impossible. So as a result, Impact. Even if we have enough amount of blood, still we cannot have a medicine. That means we cannot save the people.

Now quickly, D.A. No. 1. Infringement of basic human right of freedom of our bodies. Now, International Regulations of Human Rights, Regulations of Civil Rights and Political Rights, Article 9, quote: "Every human being shall have the rights to freedom of his body." unquote. Now this menas people have freedom to use their bodies as they are pleased. But the plan is going to force the people to go to the hospital, and spend their precious time in the hospital and even have their blood taken. This is nothing but infringement of basic human rights. Okay, this is very serious.

Now D.A. 2, blood donations will worsen some people's health condition. On this point, according to the Japan Red Cross, Blood Work Section of Central Blood Center, May the 18th, 1984, quote: "Generally, people donate 200cc-blood at one time. But it takes much time to regain the blood corpuscles because they can't easily revive. So blood donations would damage the health condition of some people." unquote. So the plan will force some people to lose their healthy condition. This is also a very serious disadvantage.

No. 3. This is very important. The plan will expose all the people here to greater danger of blood cancer. Now, they said imported blood from the States is very dangerous. But if they say so, we'd like to contend the domestic blood is as dangerous as the imported one. Because, according to Asahi Newspaper, June 6th, 1984, quote: "A medical group at Kyushu University detected ATC virus in blood donated in Japan. ATC virus can cause blood caner. The group researched donated blood for two years completely and warned that the risk of infection of the virus through blood donations and transfusions." unquote. So there is a virus of blood cancer in domestic blood. So this nothing but proof domestic blood is also as dangerous as the blood imported from the States. Now these are plan side. Now quickly, case side. They said there is a time lag. . .Thank you.

COMMENTS: Reiteration of the "the" and "all" topicality arguments brought nothing new. Good PMA arguments. Most were standard type, however the change that the Affirmative had forced to provide a check system on donors of blood was of significant damage to plan workability. DA 1 argument was weakly supported DAs 2 & 3 were interesting as while they were alleging disadvantages they were also at the same time, showing the Negative to be somewhat contradictory in its stand on causality. While saying that AIDS is not caused through blood transmissions, the Negative admits that blood does transmit cancer. If cancer can be transmitted, why can't AIDS? Difference should have been made clear.

CROSS-EXAMINATION
Questioner: Yoshimi Hamada, Affirmative
Answerer: Takenori Itoh, Negative

A: OK, first of all, let's talk about Topicality. You said that we have to help all the people in the nation, am I correct?
N: Yes. You are correct.
A: OK, then, do you deny the possibility that you can get caner or heavy burns? Do you dency the possibility?
N: Well, you said we import 80% of total damand from the States. That means 20% of the Japanese people don't need any blood from the States.
A: Excuse me, please answer my question. Do you deny the possibility you might get cancer or have some medical operation?
N: Well, since you said blood from the States is very dangerous, if I borrow your argument. . .
A: OK, thank you very much. Then let's talk about PMA No. 1. Would you make your PMA clearer?
N: OK. Under the status quo, the Ministry of Health and Welfare and the Japan Red Cross, those two agencies are strongly against forcing blood donations.
A: OK, then why can't we fiat it? Why can't we use fiat power?
N: Excuse me, would you repeat?
A: You said the Government is against. . .
N: OK. We're not talking about fiat. Because fiat guatantees adoption of the plan, but it doesn't guarantee the plan's implementation.
A: Excuse me, did you prove on that point that fiat won't work on the plan side.
N: We have a card.
A: OK, prove it later, please.

N: Yes.
A: Now, PMA No. 2. The people will circumvent it. What is the . . .
N: Not really circumvent, just people will not follow your plan.
A: Why?
N: Well. Because, as I proved, people don't like to donate blood. And that's why. . .
A: Excuse me, which card says so?
N: Ah, I think I passed that card to you.
A: It is impossible to figure out perfectly who has donated blood.
N: No, no, no. It's about the check system.
A: Check system? OK then, to what extent by your circumvention will it be hampered? To what extent? How many people won't donate? Would you clarify the impact? How many people will not go?
N: No. I'm not talking about circumvention. My arqument here is; now under the status quo, you said some 14% of the people will donate blood. So this percentage does not change because the people don't like donating blood. That's why this small percentage of the people donate blood, but since you cannot find out if the people. . .
A: OK. Did you prove that all the other 60% of the people don't want to donate? Did you prove on that point?
N: Well, because under the status. . .
A: OK. Let me talk about PMA No. 3. Now you said only 10% of the Red Cross capacity, am I correct? Only the Red Cross capacity.
N: But as you know the Red Cross is one of the biggest medical facility in Japan, and. . .
A: OK then, but this card surely proved that separation is possible in Japan.
N: Well. It's possible to some extent. Yes but it says it's impossible to expand the productivity. That's the Important point.
A: It's in Red Cross capacity, its card is Red Cross capacity.
N: No, it doesn't matter if it is about the Japan Red Cross or not.
A: Oh, let me talk about disadvantage. Excuse me let me talk about disadvantage. Now, human right. Then, to what extent our plan will infringe human right?
N: OK. As I said before, our assertion here is; no one has suffered from AIDS yet.
A: Yes.
N: So, it means we don't have to force.
A: Would you clarify the impact?
N: Impact? Foe example, see, we are all busy. We have many things to do.
A: OK. You said in disadvantage No. 3 people might get cancer.
N: Uh-huh.
A: OK, if your analysis are true, why there is no cancer in Japan?
N: So, I'm borrowing your arqument. You said imported blood from the States is very dangerous.
A: OK. You said. . .
N: So it is dangerous, domestic blood is as dangerous as imported blood.
A: Thank you very much.

COMMENTS: The "fiat" clash was interesting. The Negative was correct in its reply to the Affirmative: fiat can guarantee adoption but not implementation. Infringement of human rights response was weak.

THE FIRST NEGATIVE REBUTTAL SPEECH

Ichiroh Shirasu, Waseda University E.S.A.

I'd like to touch upon topicality, first. Then, number 1, "The" Japanese People, still no counterproof was presented by the Affirmative. Then. I'll turn to one more card. New English

Grammer, written by Kazuo Iwata, former professor of English at Hitotsubashi University. "There is a generic use of definite article, for example the Japanese, in this case means whole citizen of Japan." Thus, totally we can understand 'the Japanese' must be interpreted as a whole citizen of Japan. But today's Affirmative is going to deal with only a small portion of nation. Topicality No. 2, Affirmative said from threat from foreign nations. However they never prove AIDS is caused by the Government of the U.S.. Unless they can prove AIDS is certainly caused by the Government of the U.S, this topicality argument can surely stand. Then at this stage, Affirmative side has very good reasons to be rejected./Then, I'll argue contentions. Well, the important point is causality. All cards they presented were in '83, but our cards are almost all in '84, and the situation is changing under the status quo. Their evidence is too old. One year makes a big difference. There is no causality, we contend. And in order to conclude this, we contend why AIDS is not found in Japan; They said, by presenting a lot of charts, AIDS is now coming to Japan. However, they said by quoting a card that the latent period of AIDS is 1 or 2 years. However, our card says Japan has been importing blood from the U.S. for 4 years. Then, if the latent period of AIDS is 1 or 2 years, certainly Japan has to be suffering from AIDS. But under the status quo, there is no AIDS patients in Japan. This means there is no causality between blood transfusion form the U.S. and infection of AIDS in Japan. So there's no causality, we contend. Then, I'll argue inherency. As for hemophelic patients, we have a good medicine. New York Times, issued on April 28, '84. "Genetic engineering has finally succeeded artificial production of AIDS factor which is a sort of protein to blood in human body. Dr. David Watson is sure that the company will start using it near next year and commercializing soon after that. So hemophiliac will be free from the risk of infection from AIDS and hepatitis." So, to be commercialized soon menas it's quite feasible, and if necessary, Japanese Government can order hospitals to use it. And by this medicine we can attain Affirmative Advantage No. 2. Affirmative Advantage 2 is to find, for example, patients of hepititas. So Affirmative Advantage 2 can be automatically gained if we keep the status quo. Then, as for boiling blood, we can concretely prove on this point. And as for other patients like hemophiliac patients, we can prevent by using this method. And this cards is from the Japan Red Cross. And they used the card from the Japan Red Cross in order to prove their PMA argument. So Affirmative has no right to deny this evidence, this boiling of blood evidence. So this evidence can surely stand. So inherency issue should be a voting issue.

COMMENTS: The Negative added additional support for their topicality arguments, but my comments on the 1NC, regarding the Negative stance on this subject, still apply. Anyway, the Affirmative common sense argument approach, though lacking in specific counter proof, was adequate in my opinion. Causality refutation, though somewhat weakened by Negative contradiction (2NC), was still an issue in question due to the fact no AIDS has yet been found in Japan.

THE FIRST AFFIRMATIVE REBUTTAL SPEECH

Yoshimi Hamada, St. Paul's Univ. E.S.S.

Thank you Mr. Chairman. Then, let's talk about, first of all, Topicality. They said "the" means all the nation. Now our response here is that since we have a possibility to use blood components, all the nation, all the people have a possibility to use the blood components. We are saying that "the" means. . . even if based on the Negative standard, we can surely say that "the" Japanese means all the nations. However I have to argue that they never present us why "the" menas all the nation. They haven't presented us any reason. In that sense we don't have to argue that "the" menas all the Japanese.

O.K. Then let's talk about the plan side. They said that it won't work because the Japanese Government don't like it. But we can fiat it. So all the necessary adjustments will be taken. So we don't have to talk about this point. Since they are talking about only enforcement, debaters cannot do anything. So in that sense, their PMA No. 1. makes no sense. PMA No. 2. They stated that some people will circumvent it. Some people will dislike it. But the burden of the Negative

side is to show us how many people will circumvent it, and what is the impact of that. Now please remember our chart, our chart clearly shows you that supply will be much more than that of. . . Please remember that we can get 66.9 million people and we need 35.75 million. Even if some people circumvent it, we can surely get this amount of blood. So the burden of the Negative side is to show us the impact. Now, PMA No. 3. The separators. On this point I'd like to prove that there now exist private companies which have massive, which have furious competition. Now I go to the Japan Economic Newspaper, September 8, 1983 Quote: "Japanese synthetic fiber companies such as To-re, Furare, and P.M.M.A. are now having a furious competition of industralizing dual plasma separators which have the ability to reduce the burden of medical treatments. These plasma separators are expected to be in large demand will be the main commodities for such companies." Now competition, what does this mean? This is nothing but proof of the capacity of private companies. So we don't have to worry about that situation.

Now Disad. They said that there will be infringement of human rights. Why can they say that a once in two years donation can be an infringement of human right? As for this part, no linkage, no process, and no impact were proven. So this Disadvantage can not be a reason to reject our proposal. Now D.A. No. 2. They stated that some people dislike it. This is connected with PMA No. 2. We have enough capacity. So the burden of the Negative side is to show us the impact of this Disadvantage. Moreover this DA No. 2. is not unique to the status quo. Please remember, since we are donating at present, why can they say this Didsadvantage is unique to our plan. Now the same thing can be said about Disadvantage No. 3. namely cancer. Please remember, under the status quo, 6% of the people are donating. Why can they say that surely. . . if the Negative analysis is really true, why can they say more cancer, blood cancer, might occur? But please look at the situation, it never occured. So Disadvantage No. 3. does not make any sense. Now I'd like to strengthen the case side. Now AIDS is prevailing and holds second place in number of deaths for hemophilia patients. I go to "Life and Health", August 1983. w/b Shoji Okamoto, Chiba University, "Now, AIDS holds 2nd place as cause of death of hemophiliacs in the U.S. because the patients take blood components consisting of some tens of thousand of donatents blood." Unquote. So, there exists the causality in the United States. We should adopt our plan.

COMMENTS: The Affirmative refutation of the Negative's Topicality was merely questioning the Negative stance without presenting any substantial evidence or counter analysis of the use of the article "the". Their supply-of-donors argument (the number of potential donors in twice the needed number) was a good counter argument to the Negative circumvention one. The affirmatives proof of availability of blood separaters was good also. The DA I refutation was weak as it gave no reason why the compulsory donations was not a violation of human rights.

THE SECOND NEGATIVE REBUTTAL SPEECH
Takenori Itoh, Waseda Univ. E.S.A.

Thank you. Again, Topicality. Now, no proof from the Affirmative that we don't have to think of the word "the". And again we contended they are talking about some portion of Japanese people. They are talking about many patients are suffering from various diseases, but it doesn't mean all the 125 million people are. OK, so in this sense topicality is standing. And as for foreign nations, again, I'd like to say the U.S. is not directly responsible for AIDS. AIDS didn't spread just because of the false policy, false sanitary policy of the U.S. The U.S. shouldn't be blamed for this. So these two topicality arguments are still strongly standing for the Negative. So the case cnnot be topical.

Now PMA No. 1. They grannted the effect of their argument. They are just talking about the legitimacy of this argument. They said they can fiat this point. But fiat can't garantee the implementation. On this point, according to INTRODUCTION TO CONTEMPORARY

ACADEMIC DEBATE written by Gerald Sanders, Miami University, "The Affirmative is limited to fiating their program into existance. Fiat guarantee the affiramative plan to be adopted but doesn't guarantee implementation and effects of the plan." Unquote. Now, if we thank about this point reasonably, the answer is clear. Now we are allowed to argue circumvention or co-optation argument. Now this argument is concerning with implementation of the plan. So, for the sake of fairness of debate, we are allowed to argue whether plan will be implemented or not. So, please don't misunderstand . Our argument cannot be fiated. Okey? Since there was no attack on effectiveness argument, this argument is standing. Plan will not be implemented.

Now, speaking of the second PMA argument, they said people are going to circumvent the plan. But we are not saying the circumvention. Now under the status quo, as the Affirmative proved, only 6% of Japanese people donate their blood. So the rest, 94%, don't like donating blood. So, it's impossible to check if 94% of the Japanese people have donated their blood or not. We proved the check system is impossible to be realized at present. And they didn't introduce any specific check system and no proof that it's possible to check those people. So, absolutely, people will not donate their blood and check is impossible. So as an impact, no increase of donated blood.

Now, PMA 3. They just said the private companies are competing. But we did prove even if we have some capacity, but it's impossible to expand. This is very important. We have the capacity, we know it is true. But we cannot expand. So we cannot cover the entire demand of blood in Japan. So PMAs are all standing.

Now, DA No. 1. Again I'd like to say this is quite serious. Because now I'm debating. But suppose I'm taken to the hospital during the debate, it'll be very serious. I'd like to be here debating. But if the plan is adopted, suddenly I must be taken to the hospital and even have to have my blood given to the people or something unnecessary. So this is nothing but serious.

Now, DA 2. Blood donation will worsen some people's health condition. We proved some people would suffer. But they didn't prove that everyone's safety would be guaranteed.

Now, DA 3. We are talking about the possibility. Under the status quo, fortunately we have no pationts. But the plan is going to increase the domestic blood. And since there's a virus in the donated blood, that's why we contend there is much danger that people will be infected with serious blood cancer.

Now going back to the case side. There is one big fatal mistake of the Affirmative. They said the time lag of AIDS is one to two years. Now, please look at this chart. AIDS was spreading in the States in 1979 and at that time Japan had already imported the blood. So, if the time lag is one to two years, at the latest we should have had AIDS in 1981 or 1982. And now we have 1984 and still no one has suffered from AIDS. This is nothing but proof that there is no causality between blood transfusion and AIDS. No causality, and DAs are all standing. Call for rejection. Thank you.

COMMENTS: No change in topicality arguments. Further explanation to the Affirmative's misinterpretation on "fiat" was good as was the extension of argument in the checking system deficiency of the plan. PMA 3 argument was not effective; The Affirmative proof that private companies are in heavy competition supports reasonable assurance that capacity is (will be) sufficient. The Negative wisely ended their part of this match with a strong reiteration that the "probability" of AIDS coming to Japan through imported blood just hasn't happened and still remains only an Affirmative "probability".

THE SECOND AFFIRMATIVE REBUTTAL SPEECH

Akihiro Kimura, St. Paul's Univ. E.S.S.

Thank you, Mr. Chairman. First plan side. This is PMA 1. Enforcement will not be bad. Please remember, the Affirmative side has the right to implement our plan and the Negative

side said it's not different. But please remember we can fiat. We can use fiat power. So in that sense, we can surely implement and we are going to immediately implement our plan. And none of what the Negative side said that is an absolute argument. So please don't count this argument. It's quite strange. Now, PMA 2. They said to check is impossible. But this PMA entirely depends on the assumption that people will not obey the legislation. We are going to legislate it. But they talked about people don't want to go to donate under the status quo. But they couldn't prove that after the legislation such people will not go to the hospital. So, in that sense, since we are going to legislate, people will surely obey. And even if the Negative's assertion is true, still we have room. Because we need 35 million donation in a year but the capacity is 66 million annually. So, there is room. In that sense the Plan-Meet-Advantage No. 2 does not stand. And as for PMA No. 3, they talked about capacity. They said something about a factory is only in Hokkaido but our card successfully proves companies are now competing to provide blood components. In that sense, since they're competing, there's capacity. This is nothing but proof of the capacity. None of the PMAs can be absolute voting issues.

Now go down to disadvantage. Disadvantage No. 1. OK, there wil be infringement of human rights. But still the Negative could not present any card why our plan will infringe human rights. This was not totally the assertion of the Negative side, but we have to save our colleague. In that sense they could not prove any impact of infringement. So please don't count this Disadvantage No. 1. And Disadvantage No. 2. They said health condition of the Japanese people will decline. But they said under the status quo some people are donating blood. If the negative's assertion is true, this disadvantage is also inherent in the status quo. A disadvantage should be inherent to the Affirmative's plan implementation. But Negative's disadvantage is unique to the status quo. This cannot be the reason to reject our plan. And Disadvantage No. 3 seems to be rather strange. Because it is also inherent to the status quo. It cannot be the reason to reject our plan. The Negative could not present us any disadvantages which are inherent to our plan implementation. Please don't count these Disadvantages. Disadvantage can never be the reason to reject our plan.

Now going back to the case side. I'd like to stress the possibility. I quote from *Der Spiegel, der 6. Juni* (June 6), 1983, quote: "The case that a 20 months old baby, a newborn baby, got AIDS because of a blood transfusion from AIDS victims in San Francisco." Unquote. In that sense, it clearly proves the causality between AIDS and blood transfusion. The important point in this debate is whether blood has a connection with AIDS or not. But we clearly proved the connection. And no counter analysis was given form the Negative. The Negative side relies on such new medicine or new alternative effect. But they could not prove any effectiveness or any capacity of the industries to take care of all Japanese various kinds of diseases. They could not prove capacity; they rely on such new alternatives without capacity and with no effectiveness. So in that sense, which policy is better? If we abandon the import of such contaminated blood, we can surely cut the possibility. So, our policy is far better to protect the Japanese people. And they talked about the time lag. But please note the date of evidence. Our evidence is dated in June 1983. But after June 1983 it takes one or two year. This is our argument. Please don't misunderstand this point. So if we introduce it now, we can surely protect the Japanese people. Today's Negative side supports unreliable medicine and new alternatives without capacity. But if you introduce our plan, it is sure that we can protect the Japanese people. And their Topicality is still an unreasonalbe argument. Our case is reasonably topical. And lastly, I'll argue if you only donate blood once in two years, we can completely save our colleagues who are now using blood components. Your blood donation can save my colleague and you have the possibility to get AIDS. So in order to save yourselves and our colleagues, please vote for the Affirmative. Thank you.

COMMENTS: Fiat argument: same comment as before. Strong issue for the Affirmative remains the proven fact that the number of potential donors is twice the required number to provide an adequate domestic supply of blood. DA 2 also an Affirmative strength. The Affirmative's "pos-

sibility" arguments remained strong in possibility but weak in probability.

SUMMARY: The "AIDS" case became one of the most popular cases during the TIDL debate season so it was not surprising that it was presented in the final match. The final match was an excellent and unlike in so many debates we see and hear, both teams selected the really key issues and kept focusing on them to the end of the match. As in all good mathces and as indicated by my comments, both teams had both strong issues and weak issues. There was no clearly superior team as evidenced by the 4-3 judges decision. Either team could have been reasonably chosen as the TIDL champion, but one team was a shade luckier than the other!

USAGE OF BLOOD COMPONENTS

cirhosis
peneumonia
septicemia
hemophiliacs
leukemia
heavy burn
cancer
after care of medical operation
malignant rheumatic
Melting Anemia Disease
Reproduction Deficiency Amemia

Source: Handbook on Treatment for Malignant '82
Japan Economic Newspaper, Sep. 8, '83
Asahi Newspaper, Jun. 9, '83
"AIDS" w/b Dr. Hiromi Matsui, Prof. medicine at Yamato Gakuen Women's Junior College

HOW TO ATTAIN SELF SUFFICIENCY

Necessary Number of Donors to Attain 100% S.S.R. (Self Sufficiency Ratio)
of Blood Components: 30% of Total Population
Present Number of Donors: 6% of Total Population (7.15 mil)

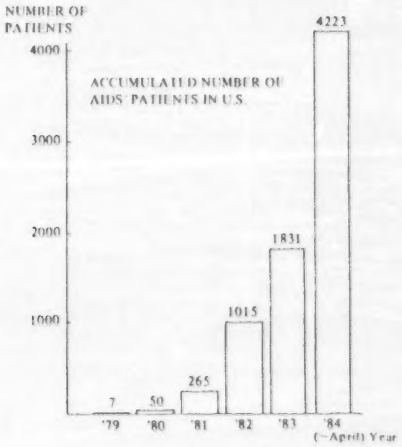
* 7.15 mil x 5 = 35.75 mil

Present Population (16–60 years old): About 76.32 mil

The Ratio Disqualified People for Donation: 12.4%

* Capacity: 76.32 mil x 0.876 = 66.9 mil

Source: Ministry of Health & Welfare '83
Economic Planning Agency '82
"The Outline of the Activities in 1982" c/b Japan Red Cross '83



Source: Toyo Keizai May 26, 1984
Dr. Hiromi Matsui, Prof. of Medicine at Yamato Gakuen Women's Junior College

Chairman of this match : Mr. Tsutomu Mogami (Aoyama Gakuin Univ. E.S.S.)
Judges of this match: Mr. C. A. Holeman (Chief Judge)
Mrs. Virginia Hogue — Mr. Akihito Ishikawa
Mr. Kazuhiko Omoya — Mr. Kazutoshi Murakami
Mr. Hideto Tomabechi — Mr. Toshiya Ohwada

TECHNICAL PLAN ATTACKS

By Dr. Carl Becker, Osaka University

I INTRODUCTION: A REAL CASE STUDY

These days in Japan, there is much discussion and much confusion regarding such arguments as circumvention, non-compliance, cooptation, and counteraction. This article will try to clarify these arguments by using a simple true story.

A friend of mine was a policeman in charge of pollution control of Pearl Harbor. His mandate was to check the water of the harbor for oil pollution. If he found oil in the water, he then collected oil samples from every boat in Pearl Harbor on that day. His laboratory compared the oil in the water with the oil from the boats, to determine which boat had dumped oil into the water, polluting the harbor. Then he proceeded to meet the captain of the offending boat, and charge a $10,000 fine for breaking the pollution law. But in his job, he ran into several problems.

Sometimes he found that the polluting ship was a huge Exxon oil tanker. He would board the ship and meet the captain. The captain would say, "Just between you and me, officer, if you agree to forget about today's little oil spill, I'll give you $5000 for your own *personal* use. How about it?" Of course, this is a kind of bribery. Now my friend wanted to keep Pearl Harbor clean, so he refused such bribes. But if he had accepted such bribes, then the pollution law would have ceased to work. The accepting of bribes is one kind of *cooptation* argument: that the enforcement agencies would stop enforcing the law because they had a motivation not to do so.

Even after refusing the bribe, however, my friend faced another problem. The ship captain would say, "Okay, I know, you want a ten thousand dollar fine. Here is a check for ten thousand dollars, from my oil company. And don't imagine such a little inconvenience will stop me from dumping oil the next time I come into port." In other words, a $10,000 fine was a very small amount of money to a trillion-dollar oil business. Because the enforcement of this oil pollution law was too light, it had no effect on the large oil companies, and led to their *non-compliance* (deliberate violation of the law), because non-compliance was easier and cheaper than other alternatives.

But there were yet other situations. Sometimes, my policeman friend found that the boat which had dumped the oil was a small Japanese fishing boat. The boat-owner was clearly guilty of dumping oil, and the policeman wanted to keep the harbor clean. To make things worse, they did not speak the same languages. My policeman friend realized that if he fined the Japanese fisherman $10,000, it would completely destroy the fisherman's income and business. For an oil company, it was a small sum, but for a single fisherman, it was a life's savings. So again, my policeman friend was temped to *cooptation:* he chose NOT to enforce the law against this fisherman. This time, his motivation was not a bribe, but his sympathy for the fisherman, because the fine was too heavy for one man. But, because there appeared to be no penalty for dumping oil, or because he again trusted the sympathy of the policeman, the Japanese fisherman continued to dump oil in Pearl Harbor. So we see the dilemma of cooptation when fines are too heavy: when they are not enforced, the law stops working, but if they are enforced, they create tragedy for the persons punished.

Still another problem occurred when the law was enforced. When the fishermen of small ships were put out of business by the enforcement of the pollution control law, naturally, they were very angry. Some of them formed picket lines around the police headquarters. Some of them

secretly broke windows on the police boats and threw dirty oil inside the police boat cabins. Some of them made other attacks on the police officers. Such actions, although illegal, created great disturbance among the police. It cost the police much money to repair the damages, and it made some policemen afraid to enforce the law against small fishermen. Such violent protest by the "victims" of the law is called *counteraction* in debate.

Gradually, the law was changed to be adjusted for the amount of oil spilled and the income of the dumper. After that change, the law worked effectively, by fining fisherman lightly and oil tankers heavily. But a further problem arose. The ships had to dispose of their oil *somewhere*, after a long voyage, when they put clean oil in their engines. They could no longer dispose of the oil *inside* Pearl Harbor. So they dumped their oil just *outside* Pearl Harbor, or by another island where they could dock. Thus, Pearl Harbor itself was protected from oil pollution, but other beaches and harbors were plagued with the same problem. Of course, this is the problem we call *circumvention* in debating jargon. The plan works, but the parties avoid the law somewhere else, creating a new but similar problem in another area.

From this simple example, we can get a general idea of some of the problems in creating a good law, or a good affirmative plan. Now let us look briefly at the theory behind these arguments.

II THEORY OF PLAN ATTACKS

(A) Enforcement Attacks: Cooptation and Noncompliance

The attacks of cooptation and noncompliance both say that the plan cannot be effectively enforced. As we saw in the Pearl Harbor example, if the punishment is too severe, the enforcement agency may be tempted not to enforce the law because of its unfairness to small businesses, etc. But if the punishment is too light, then wealthy or powerful companies may not hesitate to break the law in spite of the punishment. And there is always the possibility of bribery interfering. We can structure these arguments formally as follows:

COOPTATION:

(1) The enforcement agency has motivations NOT to enforce the plan. (e.g.: sympathy, bribery, fear of retaliation, etc.)
(2) These motivations are strong enough to overrule government mandates.
(3) Therefore the plan will not be enforced, and violation will continue.
(4) Therefore even if the plan exists, it will not work effectively.

NONCOMPLIANCE:

(1) The subjects of the law have motivations to violate the law. (e.g.: cheaper, easier, more enjoyable to violate)
(2) These motivations are stronger than the fear of small punishment.
(3) Therefore they will not comply with the law, but violate it.
(4) Therefore even if the plan exists, it will not work effectively.

Of course, the negative needs reasoning and evidence to demonstrate these points; it can choose examples from other laws or other countries to show how enforcement will fail. This is a little more difficult in the Japanese case, because some Affirmatives can prove that Japanese people are generally *more* law-abiding, and Japanese police *more* responsible than foreign police. Both of these arguments conclude that the plan will not work as well as it is expected to work. But they have trouble showing that the plan will fail 100% or that the new situation will be worse than the present one. In this respect, they are similar to all other workability arguments.

(B) Disadvantage Attacks: Circumvention and Counteraction

The attacks of circumvention and counteraction both say that IF the plan works, it will lead to other, more serious problems in other areas. (This is often misunderstood: it is a mistake to argue that the plan will not work because of circumvention. Rather, we should argue that because the plan *will* work within its own narrow area, it leads to more serious problems elsewhere. We can

structure these arguments formally as follows:

CIRCUMVENTION:

(1) There remains a *motivation* for people to continnue X, which is bad.
(2) The plan prevents X in its present form. But there is a *means* Y, to continue X in a different, more disadvantageous form.
(3) So if the plan works, it may avoid X, but it creates a similar worse problem in another area.
(4) So the present system is preferable to the disadvantageous plan.

COUNTERACTION:

(1) There is a motivation for counteraction (or violence) against the enforcers of the plan, if they enforce it as the Aff, says.
(2) There is a means for retaliation against the enforcement agency, which is likely (give examples) and more serious than the problem they are trying to solve.
(3) So if the enforcement succeeds, it may avoid problem X, but it creates a greater problem of violent counteraction.
(4) So the present system is preferable to the disadvantageous plan.

Naturally, disadvantages are more serious than mere plan-workability attacks, but they may also be more difficult to prove. The negative must weigh the relative difficulty and time required to prove each argument against its relative effectiveness: If it can be effectively proven in a short time, it is worth using; if its proof and explanation is difficult and its effect rather minor, then it should be dropped in favor of stronger arguments.

(C) Important note on FIAT POWER:

Circumvention has sometimes been translated into the Japanese *kai-hi*. In Japanese, *kai-hi* has the nuance of the plan not being put into effect at all. But this is a misunderstanding of both English language and of debating theory. In debate, the Affirmative has the right, which we call FIAT power, to put into effect *anything at all*. The negative can NEVER debate that "the Diet will not pass it" or "It is not likely to happen," nor even "it will soon be reversed after being enacted." Academic debate focuses on just one question: not WILL the plan happen, but SHOULD it happen. If the affirmative can show that the plan is *worth* doing, is desirable, better than the negative can show that the plan is undesirable, then the affirmative wins. We only debate the relative merits and demerits of the *situation after the plan is put into effect*, not the difficulties of passing the law or adopting the resolution itself.

DISADVANTAGES

by Dr. Carl Becker, Osaka University

I Theory of Disadvantages

The central question in every academic debate is whether the judge will accept the affirmative plan or not. For debate is not simply considering the truth of the proposition in the abstract, but is deciding whether the affirmative's specific plan will be better than the present situation. No matter how small the need for the plan, if the plan is better than the status quo, the judge is expected to vote for it. No matter how terrible the status quo, the judge cannot vote for a plan which is worse than the status quo. In this view, if the negative team can prove that the plan's disadvantages outweigh its advantages, the negative is almost guaranteed the victory. So plan disadvantages are potentially the most powerful of all negative attacks. Conversely, if the negative fails to present enough disadvantages, even a plan with doubtful need, uncertain solvency, and small advantages may sometimes be adopted by judges who feel that even a small improvement would be superior to the present situation, for there is no reason not to adopt it.

Like every other argument in debate, disadvantages need reasoning and/or evidence to become prima facie, that is, in order to be believed by the judge, at least until refutation comes from the affirmative. However, once the negative has presented reasons and/or evidence that disadvantages will occur, it then becomes the responsibility of the affirmative to give even stronger reasons and/or evidence that the disadvantages will not occur. The judge, then, must weigh not only the seriousness of the disadvantages themselves, but also the strength of the evidence and reasoning for and against their occurrence. If there remains a reasonable possibility of disadvantages in the affirmative case which outweigh its advantages, the affirmative has failed in its burden of proving the plan desirable.

There are several requirements of disadvantages, logically speaking:

(1) The disadvantages must be linked to, or rooted in, the affirmative plan.
(2) The disadvantages must NOT occur in the status quo or minor repairs cases.
(3) The disadvantages must be shown to be significant.
(4) The disadvantages must be *developed*, and not just named or numbered, in the negative constructive speech.

This last requirement is often overlooked or forgotten by negative teams. Either they run out of time before getting to the disadvantages, or they lack adequate preparation for presenting the disadvantages sooner, so they tend to just give "names" at the end of their speech, saying "DA 1: Harm to people; DA 2: Harm to economy; DA 3. Harm to freedom." without any link, explanation, evidence, nor reasoning. This is unfair to the affirmative, and the judge can either decide to ignore the DA altogether, or to count it as a new argument in rebuttal when it is developed and proven for the first time. If such negative actions are allowed, that is, if requirement (4) is violated, then every negative can give general names for disadvantages in its constructive speech, before it has even decided what the content of the DA really is. Much later in the rebuttal, it can then explain the DA (after taking some more time to think about it), and the affirmative has no chance to adequately organize a response. So the DA's must be fully presented in the negative constructive speech, although deepening and extra evidence may of course be added later. Naturally, this means that the negative constructive speaker should save the second half of his speech (at least) for presentation and explanation of the DA's.

It is also good negative strategy to continue to emphasize the DA's: in two-man style debate, in the second constructive and second rebuttal, in five-man style debate, beginning in the first or second rebuttal and continuing to the end. This is because the affirmative's case-side (need or plan-justification) is almost always stronger than its plan-side (solvency, workability, advantage-disadvantage area). So if the negative focuses most of its attention on the case-side, it is pulled on to affirmative ground, and loses time for its most important attacks. However, if the negative can bring the debate to focus on disadvantages, and force the affirmative to spend most of its time fighting off the disadvantages, then the negative position is substantially stronger, and the affirmative team may be in troubel.

II Locating and Building Disadvantages

Every plan contains disadvantages. The more the negative practices looking for and constructing disadvantages, the easier they become to find. Some disadvantages, called *generic* or *philosophical* disadvantages, can be constructed in advance, based on the very nature of the resolution. For example, if the resolution requires increased government control of something, the negative can argue that government interference is bad because it restricts freedom of individuals or enterprises, and the negative can show examples where this has led to tragic results. However, it is hard to show the specific impact of generic or philosophical disadvantages, and the negative should be ready to give other disadvantages unique to each affirmative case. To do so, the negative needs to learn the following things about each affirmative plan, either by listening to the plan carefully, or by persistent cross-examination of the affirmative team.

(1) What elements of the status quo are being abandoned or removed?
(2) What completely new elements are being created or required?
(3) What are the specific numbers of men, days, years, money, etc.?

Given the answers to these questions, the negative then must reanalyse the plan, thinking about all the effects of the above facts. The negative should take (a) a *broader* view of the problem, arguing that even if the affirmative solves a problem in one area, it creates larger problems in another related area; (b) a *longer* term view of the problem, arguing that although the affirmative plan looks good in the short run, in the long run it will lead to even more serious problems; (c) a *fairer* view of the problem, arguing that the affirmative takes money from the majority (without their consent) in order to create a situation which only tries to benfit a small number of people. Of course, in presenting its disadvantages, the negative should (d) use *specific figures* and its own calculations, either from evidence which it has collected on the same issue, or by using the affirmative numbers gained in (3), to show the unreasonable character of the plan and the specific extent of the problems it creates. After developing these disadvantages in the constructive and deepening their implications in the rebuttals, of course, it is essential that the final negative speaker make a comparison showing the disadvantages to be better supported, more probable, and more serious than the "poorly supported, improbable, and insignificant" advantages desired by the affirmative. The judge must then weigh in his mind, at the end of the debate:

Unrefuted Affirmative Evidence and Reasons (for Ads.)		Unrefuted Negative Evidence and Reasons (for DA's)
X		X
Probability of Advantages (or of solving a harm)	VS.	Probability of DA's
X		X
Significance of Advs.		Significance of DA's
= Total desirability of plan		= Total undesirability of plan

Based only on the arguments which stand all the way to the end of the debate, the judge must then compare desirability of maintaining the status quo or adopting the plan and resolution. Of course, if an effective summary speaker makes a clear and persuasive comparison, the judge may

well agree and give the victory to the side of that summary speaker.

III Sample Disadvantages

It is impossible to imagine in advance all the disadvantages which are possible, because they always depend on each affirmative plan, and we cannot imagine every possible plan. We can, however, imagine the broad areas under which most disadvantages can be categorized, and present a sample outline of some of them below, as a guide to negative case preparation.

A) ECONOMIC DISADVANTAGES
1) The costs will be greater than the benefits
2) The money source will be placed in economic difficulty
3) Wages will decline
4) Prices will rise
5) Buying power will decline
6) There will be a shortage of goods
7) Present business will go bankrupt
8) There will be rampant inflation/depression
9) The stock market will be thrown into chaos/economic disruption
10) The GNP will drop
11) Unemployment will outweigh affirmative employment
12) Others: (think of your own)

B) DISADVANTAGES OF HUMAN SUFFERING
1) Accidents or injuries will increase
2) Disease will increase
3) Mental stress will increase, leading to disease
4) Resources will run out
5) Families will be broken
6) Crime will rise
7) Education will be hurt
8) Others:

C) INTERNATIONAL DISADVANTAGES
1) Danger of war will increase
2) Other countries will restrict Japanese products
3) Other countries will restrict resources to Japan
4) International tension will be heightended
5) Japan will be hated abroad / lose friends
6) The yen will lose power in the world
7) Japanese people abroad may be in danger
8) Others:

Of course, these are not the only possible disadvantages, and these advantages could be put into different classification schemes. As mentioned on the first page of this article, the disadvantages must each be shown to be *linked* to the plan, *unique* to the plan (not in the status quo), and *significant*. Naturally, the negative should try to show as many disadvantages as possible, and to number each of them separately–and each negative speaker after the constructive speaker should use the same numbering system to refer to the same disadvantages. Moreover, it is important the disadvantages be *mutually independent* (not dependent on each other). For example, if a negative team argues that the affirmative plan will (1) disrupt the stock market which will (2) hurt the GNP, which will (3) create unemployment and (4) hurt buying power–these claims are all based on the same reason: disruption of the stock market. If the affirmative can simply show how its plan does not significantly affect the stock market, then it has destroyed all of the negative disadvantages at once, because they all depend on the stock market. So the negative should consider

whether its disadvantages depend on each other or on a common assumption. If so, it should group them all together and realize that they really only constitute one large disadvantage—and it should look for other, totally independent disadvantages which will not be affected if the assumptions of the first one are refuted.

The broader the debate proposition, the greater is the variety of affirmative plans, and the more the disadvantages which the negative must prepare and research. The negative which can present significant disadvantages against every affirmative case can truly be called a competent team.

Judging Philosophies

Shigeru Matsumoto

In recent years there has been a growing interest in judging philosopies[1] among debaters and judges in Japan. In retrospect, however, even when I was a college debater in the late 1970's, debaters often discussed how judges rendered their decisions. Although judging philosophies were not clearly categorized at that time, with a few exceptions, there were two types of judges. One was the judge whose major concern was which team demonstrated better English skills. The other one based his/her decisions on argumentation skills in terms of arguing stock issues. Young debate enthusiasts, who were seriously studying debate theories by reading such books as *The Elements of Debate*[2] and *Modern Debate*[3], prefered to be judged by the latter. They often complained that the former type of judges did not know what debate was all about. Therefore one might say that the discussion on judging philosophies is not a new phenomenon in Japanese forensic community. But of course today there are more judging models being offered. And these are more sophisticated than before.

Why are debaters and judges concerned about judging philosophies? The major reason seems to be threefold. First, there exists no perfect judging philosophy. There is no such thing as *the* way of examining debates. In other words, there is no judging philosophy which satisfies all of the debaters and judges. Second, responsible judges always want to justify their decisions in a consistent manner. So they need to have criteria on which their decisions are based in order to give debaters clear-cut reasons for their decisions. Also, judges can, in most cases, avoid arguments with debaters if they are fortified with knowledge of widely accepted judging philosophies. Third, debaters expect judges to render "fair" decisions. The fair decisions have to be objective from the debaters' viewpoints. To give fair or objective decisions requires judges to have consistent criteria.

In general, the growing interest in judging philosophies provides us with more merits than demerits. Among those merits, the following two which are closely related, seem to be very significant. First, the communication gap between judges and debaters will narrow. It is just a waste of time if judges and debaters operate in completely different paradigms. Second, debaters may be able to increase their chance of winning debates if they know the judges' judging philosophies. If a debater knows the judge's paradigm before the debate starts, he can adapt his strategies to suit the judge.

Now let me briefly explain five major judging philosophies.

The Argument Skills Judge: At the conclusion of debate, the argument skills judge decides which team has argued better with regard to argumentation skills and the decision is awarded accordingly. Argument skills include analysis, use of evidence, reasoning, organization, and refutation.

The Stock Issues Judge: This type of judge believes that in order to justify the adoption of the resolution being debated, the affirmative team must win all of the stock issues–the negative needs to win only one stock issue in order to win the debate. The stock issues are significance, inherency, solvency, disadvantages, and topicality. The stock issues judges usually require the affirmative team to prove the most important cause of the problems that they choose to solve. But they usually don't care about the contradiction between inherency attacks and plan-meet-need arguments.

The Hypothesis-Testing Judge: As for this philosophy, the debate is a testing ground for the turth of the resolution. Most hypothesis-testing judges will vote negative if the affirmative team cannot prove that their policy is the most advantageous system offered in the round. In other words, presumption rests against the resolution. The hypothesis-testing judges do not require negative teams to defend a consistent policy. Therefore conditional or hypothetical counterplans are legitimate forms of negative attacks.

The Policy-Making Judge: Most policy-making judges either require or favor the negative team to defend only one coherent policy system. In other words, they do not prefer such conditional arguments as conditional counterplans and alternative justification cases.

The Tabula Rasa Judge: The tabula rasa judges are supposed to have no preconceived idea of how debates should be evaluated. They allow the debaters to decide the theoretical framework on which the decision will be based.

It is not clear which type of judging is dominant in Japan because no nation wide research has ever been done. To the best of my knowledge, it was the KUEL (Kanto Universities ESS League) which made the first attempt to compile a list of judging philosophies. That attempt was made toward the end of 1982. This list carried the philosophies of only 14 judges in the Kanto area. The analysis of decision-making paradigms is shown in Table 1.

Table 1.

Analysis of 14 Judges' Decision-Making Paradigms

Decision-Making Paradigm	Japanese	Non-Japanese	Total	%
Argument Skills	3	3	6	43.0
Stock Issues	1	1	2	14.3
Hypothesis-Testing	1	0	1	7.1
Policy-Making	1	0	1	7.1
Tabula Rasa	0	0	0	0
Combination: Stock Issues/ Policy-Making	0	1	1	7.1
Combination: Argument Skills/ Stock Issues	0	2	2	14.3
Combination: Argument Skills/ Stock Issues/ Policy-Making	1	0	1	7.1

The argument skills judging is dominant among both Japanese judges and native speaker judges in this list of judging philosophies. The reason for this result is found in one of the respondents' comments—"Debate in Japan is being used to develop the ability of the members of English Speaking Societies to communicate effectively in English. It is primarily an educational technique and the emphasis is on effective communication."

Contrary to the results of the KUEL list, it is the TIDL committee's speculation that two of the most popular types of judging models at the moment are the policy-making judge and the hypothesis-testing judge. Many young judges, in particular, seem to lean toward the hypothesis-testing. As a matter of fact, one of the most widely read debate textbooks in Japan at the moment is *Contemporary Debate*[4] which puts an emphasis on hypothesis-testing.

The major differences between hypothesis-testing and policy-making are summarized in Table 2.

Table 2

Hypothesis-Testing vs. Policy-Making

	Hypothesis-Testing	Policy-Making
role of the judge	– to determine whether or not the resolution is probably true	– to choose the best available policy
presumption	– against the resolution	– rests with the present system
		– rests with the policy which has less risk involved
specific statement of the resolution	– important	– less important
details of the plan	– less important	– very important
alternative justification case	– acceptable	– not acceptable
conditional counterplan	– acceptable	– not acceptable
straight (running) refutation only	– acceptable	– not acceptable

The above mentioned differences seem to be very clear. However, such accounts also produce the risk of over-simplification. We must remeber that judges tend to stray from their stated philosophical inclinations, as Cross and Matlon's study (1978) reveals.

It also might be important to note that the hypothesis-testing model is no longer popular in the American forensic community. Buckley (1983) summarizes three studies which show the changes in judging paradigms in the United States. (See Table 3)

Table 3

Policy Debate Paradigms

Paradigm	Cox (1974)	Cross & Matlon (1978)	Freeley (1981)
Policy systems	43%	49%	27%
Stock issues	32	16	12
Argument skills	16	12	0
Tabula rasa	6	10	27
Hypothesis tester	4	12	0
Judicial	–	2	–
Other (situational, game theory, or argument critic)	–	–	33

To conclude this paper, I would like to suggest the following three things. First, it seems important for us to get back to basics at this moment. Instead of just comparing one judging philosophy to the other, we need to ask ourselves what are the educational goals of debating in a foreign language. Also, we need to re-examine the roles of debate judges in Japan. As very few debate squads have their own coaches, it is safe to conclude that judges need to promote the educational value of debate as well as to render fair decisions. One cannot have an appropriate judging perspective without considering these points. Second, it is worthwhile to carry out nation wide research on philosophies of judging debate. Such research should include specific questions using examples of actual debate situations. Third, TIDL/KIDL might want to consider publishing "A Booklet of Judging Philosophies." When they publish one, they should also decide how to utilize it beforehand. In the United States, teams participating in the National Debate Tournament (NDT) and its District Tournaments read such booklets and strike out judges whom they do not want as a judge. The Japanese forensic community should consider the use of such a booklet so

that it will enhance the educational value of debate in Japan.

NOTES

1. In this paper, I use the term "judging philosophies" in a narrow sense as an equivalent to such words as "decision-making paradigms," "judging perspectives," and "judging models."
2. Donald W. Klopf and James C. McCroskey, *The Elements of Debate*, (New York: Arco Publishing Company, 1969), 186 pages. This book is now out of print.
3. Arthur N. Kruger, *Modern Debate: Its Logic and Strategy*, (New York: McGraw-Hill Book Company, 1960), 448 pages.
4. J.W. Patterson and David Zarefsky, *Contemporary Debate*, (Boston: Houghton Mifflin Company, 1983), 342 pages.

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Shigeru Matsumoto is Assistant Professor of Speech Communication at The International Budo University (IBU).

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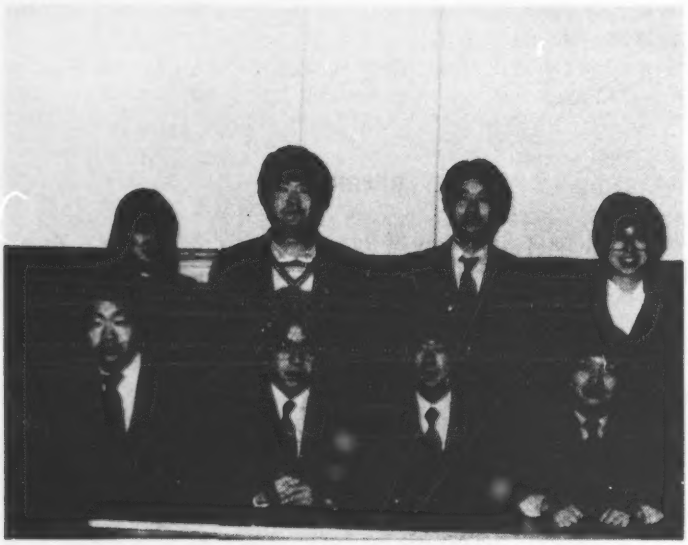

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